

**LSAT 01 SECTION III****Time 35 minutes 26 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.*

Immigrants' adoption of English as their primary language is one measure of assimilation into the larger United States society. Generally languages define social groups and provide justification for social structures. Hence, a **distinctive** language sets a cultural group off from the dominant language group. Throughout United States history this pattern has resulted in one consistent, unhappy consequence, discrimination against members of the cultural minority. Language differences provide both a way to rationalize subordination and a ready means for achieving it.

Traditionally, English has replaced the native language of immigrant groups by the second or third generation. Some characteristics of today's Spanish-speaking population, however, suggest the possibility of a departure from this historical pattern. Many families retain ties in Latin America and move back and forth between their present and former communities. This "**revolving door**" phenomenon, along with the high probability of additional immigrants from the south, means that large Spanish-speaking communities are likely to exist in the United States for the indefinite future.

This expectation underlies the call for national support for bilingual education in Spanish-speaking communities' public schools. Bilingual education can serve different purposes, however. In the 1960s, such programs were established to facilitate the learning of English so as to avoid disadvantaging children in their other subjects because of their limited English. More recently, many advocates have viewed bilingual education as a means to maintain children's native languages and cultures. The issue is important for people with different political **agendas**, from absorption at one pole to separatism at the other.

To date, the evaluations of bilingual education's impact on learning have been **inconclusive**. The issue of bilingual education has, nevertheless, served to unite the leadership of the nation's Hispanic communities. Grounded in concerns about status that are directly traceable to the United States history of discrimination against Hispanics, the demand for maintenance of the Spanish language in the schools is an **assertion** of the worth of a people and their culture. If the United States is truly a multicultural nation—that is, if it is one culture reflecting the contributions of many—this demand should be seen as a demand not for separation but for inclusion.

More direct efforts to force inclusion can be misguided. For example, movements to declare English the official language do not truly advance the cohesion of a multicultural nation. They alienate the twenty million people who do not speak English as their **mother tongue**. They are unnecessary since the public's business is already conducted largely in English. Further, given the present state of understanding about the effects of bilingual education on learning, it would be unwise to require the universal use of English. Finally, it is for parents and local

communities to choose the path they will follow, including how much of their culture they want to maintain for their children.

1. It can be inferred from the passage that one of the characteristics of immigrant groups to the United States has traditionally been that, after immigration, relatively few members of the group
  - (A) became politically active in their new communities
  - (B) moved back and forth repeatedly between the United States and their former communities
  - (C) used their native languages in their new communities
  - (D) suffered discrimination in their new communities at the hands of the cultural majority
  - (E) sought assimilation into the dominant culture of the new communities they were entering
2. The passage suggests that one of the effects of the debate over bilingual education is that it has
  - (A) given the Hispanic community a new-found pride in its culture
  - (B) hampered the education of Spanish-speaking students
  - (C) demonstrated the negative impact on imposing English as the official United States language
  - (D) provided a common banner under which the Spanish-speaking communities could rally
  - (E) polarized the opinions of local Spanish-speaking community leaders
3. In lines 38-39, the phrase “different political agendas” refers specifically to conflicting opinions regarding the
  - (A) means of legislating the assimilation of minorities into United States society
  - (B) methods of inducing Hispanics to adopt English as their primary language
  - (C) means of achieving nondiscriminatory education for Hispanics
  - (D) official given responsibility for decisions regarding bilingual education
  - (E) extent to which Hispanics should blend into the larger United States society
4. In lines 64-65 the author says that “It would be unwise to require the universal use of English.” One reason for this, according to the author, is that
  - (A) it is not clear yet whether requiring the universal use of English would promote or hinder the education of children whose English is limited
  - (B) the nation’s Hispanic leaders have shown that bilingual education is most effective when it includes the maintenance of the Spanish language in the schools
  - (C) requiring the universal use of English would reduce the cohesion of the nation’s Hispanic communities and leadership
  - (D) the question of language in the schools should be answered by those who

evaluate bilingual education, not by people with specific political agendas  
(E) it has been shown that bilingual education is necessary to avoid  
disadvantaging in their general learning children whose English is limited

5. In the last paragraph, the author of the passage is primarily concerned with discussing
- (A) reasons against enacting a measure that would mandate the forced inclusion of immigrant groups within the dominant United culture
  - (B) the virtues and limitations of declaring English the official language of the United States
  - (C) the history of attitudes within the Hispanic community toward bilingual education in the United States
  - (D) the importance for immigrant groups of maintaining large segments of their culture to pass on to their children
  - (E) the difference in cultures between Hispanics and other immigrant groups in the United States

The refusal of some countries to extradite persons accused or convicted of terrorist act has focused attention on the problems caused by the political offense exception to extradition. Extradition is the process by which one country returns an accused or convicted person found within its borders to another country for trial or punishment. Under the political offense exception, the requested state may, if it considers the crime to be a "political offense," deny extradition to the requesting state.

Protection of political offenses is a recent addition to the ancient practice of extradition. It is the result of two fundamental changes that occurred as European monarchies were replaced by representative governments. First, these governments began to reject what had been a primary intent of extradition, to expedite the return of political offenders, and instead sought to protect dissidents fleeing despotic regimes. Second, countries began to contend that they had no legal or moral duty to extradite offenders without specific agreements creating such obligations. As extradition laws subsequently developed through international treaties, the political offense exception gradually became an accepted principle among Western nations.

There is no international consensus, however, as to what constitutes a political offense. For analytical purposes illegal political conduct has traditionally been divided into two categories. "Pure" political offenses are acts perpetrated directly against the government, such as treason and espionage. These crimes are generally recognized as nonextraditable, even if not expressly excluded from extradition by the applicable treaty. In contrast, common crimes, such as murder, assault, and robbery, are generally extraditable. However, there are some common crimes that are so inseparable from a political act that the entire offense is regarded as political. These crimes, which are called "relative" political offenses, are generally nonextraditable. Despite the widespread acceptance of these analytic constructs, the distinctions are more academic than meaningful. When it comes to real cases, there is no agreement about what transforms a common crime into a political offense and about whether terrorist acts fall within the protection of the exception. Most terrorists claim that their acts do **fall under** this protection.

Nations of the world must now balance the competing needs of political freedom and

international public order. It is time to reexamine the political offense exception, as international terrorism eradicates the critical distinctions between political offenses and nonpolitical crimes. The only rational and attainable objective of the exception is to protect the requested person against unfair treatment by the requesting country. The international community needs to find an alternative to the political offense exception that would protect the rights of requested persons and yet not offer terrorists immunity from criminal liability.

6. In the passage, the author primarily seeks to
  - (A) define a set of terms
  - (B) outline a new approach
  - (C) describe a current problem
  - (D) expose an illegal practice
  - (E) present historical information
7. According to the passage, when did countries begin to except political offenders from extradition?
  - (A) when the principle of extraditing accused or convicted persons originated
  - (B) when some nations began refusing to extradite persons accused or convicted of terrorist acts
  - (C) when representative governments began to replace European monarchies
  - (D) when countries began to refuse to extradite persons accused or convicted of common crimes
  - (E) when governments began to use extradition to expedite the return of political offenders
8. Given the discussion in the passage, which one of the following distinctions does the author consider particularly problematic?
  - (A) between common crimes and “relative” political offense
  - (B) between “pure” political offenses and common crimes
  - (C) between “pure” political offenses and “relative” political offenses
  - (D) between terrorist acts and acts of espionage
  - (E) between the political offense exception and other exceptions to extradition
9. According to the author, the primary purpose of the political offense exception should be to
  - (A) ensure that terrorists are tried for their acts
  - (B) ensure that individuals accused of political crimes are not treated unfairly
  - (C) distinguish between political and nonpolitical offenses
  - (D) limit extradition to those accused of “pure” political offenses
  - (E) limit extradition to those accused of “relative” political offenses
10. It can be inferred from the passage that the author would agree with which one of the following statements about the political offense exception?

- (A) The exception is very unpopular.
  - (B) The exception is probably illegal.
  - (C) The exception is used too little.
  - (D) The exception needs rethinking.
  - (E) The exception is too limited.
11. When referring to a balance between “the competing needs of political freedom and international public order” (lines 54-55) the author means that nations must strike a balance between
- (A) allowing persons to protest political injustice and preventing them from committing political offenses
  - (B) protecting the rights of persons requested for extradition and holding terrorists criminally liable
  - (C) maintaining the political offense exception to extradition and clearing up the confusion over what is a political offense
  - (D) allowing nations to establish their own extradition policies and establishing an agreed-upon international approach to extradition
  - (E) protecting from extradition persons accused of “pure” political offenses and ensuring the trial of persons accused of “relative” political offenses
12. The author would most likely agree that the political offense exception
- (A) has, in some cases, been stretched beyond intended use
  - (B) has been used too infrequently to be evaluated
  - (C) has been a modestly useful weapon against terrorism
  - (D) has never met the objective for which it was originally established
  - (E) has been of more academic than practical value to political dissidents
13. Which one of the following, if true, would give the author most cause to reconsider her recommendation regarding the political offense exception (lines 62-66)?
- (A) More nations started refusing to extradite persons accused or convicted of terrorist acts.
  - (B) More nations started extraditing persons accused or convicted of treason, espionage, and other similar crimes.
  - (C) The nations of the world sharply decreased their use of the political offense exception to protect persons accused of each of the various types of “pure” political offenses.
  - (D) The nations of the world sharply decreased their use of the political offense exception to protect persons accused of each of the various types of “relative” political offenses.
  - (E) The nations of the world started to disagree over the analytical distinction between “pure” political offenses and “relative” political offenses.

As is well known and has often been described, the machine industry of recent times took its rise by a gradual emergence out of handicraft in England in the eighteenth century. Since then the mechanical industry has progressively been getting **the upper hand** in all the civilized nations, in much the same degree in which these nations have come to be counted as civilized. This mechanical industry now stands dominant at the apex of the industrial system.

The state of the **industrial arts**, as it runs on the lines of the mechanical industry, is a technology of physics and chemistry. That is to say, it is governed by the same logic as the scientific laboratories. The procedure, the principles, habits of thought, preconceptions, units of measurement and of valuation, are the same in both cases.

The technology of physics and chemistry is not derived from established law and custom, and it goes on its way with as nearly complete a disregard of the spiritual truths of law and custom as the circumstances will permit. The realities with which this technology is occupied are of another order of actuality, lying altogether within the three dimensions that contain the material universe, and running altogether on the logic of material fact. In effect it is the logic of inanimate facts.

The mechanical industry makes use of the same range of facts handled in the same impersonal way and directed to the same manner of objective results. In both cases alike it is of the first importance to eliminate the "personal **equation**," to let the work go forward and let the forces at work **take effect** quite objectively, without hindrance or deflection for any personal end, interest, or gain. It is the technician's place in industry, as it is the scientist's place in the laboratory, to serve as an intellectual embodiment of the forces at work, isolate the forces engaged from all extraneous disturbances, and let them take full effect along the lines of designed work. The technician is an active or creative factor in the case only in the sense that he is the keeper of the logic which governs the forces at work.

These forces that so are brought to **bear** in mechanical industry are of an objective, impersonal, unconventional nature, of course. They are of the nature of opaque fact. Pecuniary gain is not one of these impersonal facts. Any consideration of pecuniary gain that may be injected into the technician's working plans will come into the case as an intrusive and alien factor, whose sole effect is to deflect, retard, derange and curtail the work in hand. At the same time considerations of pecuniary gain are the only **agency** brought into the case by the businessmen, and the only ground on which they exercise a control of production.

14. The author of the passage is primarily concerned with discussing
- (A) industrial organization in the eighteenth century
  - (B) the motives for pecuniary gain
  - (C) the technician's place in mechanical industry
  - (D) the impersonal organization of industry
  - (E) the material contribution of physics in industrial society
15. The author of the passage suggests that businessmen in the mechanical industry are responsible mainly for
- (A) keeping the logic governing the forces at work
  - (B) managing the profits



- (C) directing the activities of the technicians
  - (D) employing the technological procedures of physics and chemistry
  - (E) treating material gain as a spiritual truth
16. Which one of the following, if true, would contradict the author's belief that the role of technician is to be "the keeper of the logic" (lines 45-46)?
- (A) All technicians are human beings with feelings and emotions.
  - (B) An interest in pecuniary gain is the technician's sole motive for participation in industry.
  - (C) The technician's working plans do not coincide with the technician's pecuniary interests.
  - (D) Technicians are employed by businessmen to oversee the forces at work.
  - (E) Technicians refuse to carry out the instructions of the businessmen.
17. The author would probably most strongly agree with which one of the following statements about the evolution of the industrial system?
- (A) The handicraft system of industry emerged in eighteenth-century England and was subsequently replaced by the machine industry.
  - (B) The handicraft system of industrial production has gradually given rise to a mechanistic technology that dominates contemporary industry.
  - (C) The handicraft system emerged as the dominant factor of production in eighteenth-century England but was soon replaced by mechanical techniques of production.
  - (D) The mechanical system of production that preceded the handicraft system was the precursor of contemporary means of production.
  - (E) The industrial arts developed as a result of the growth of the mechanical industry that followed the decline of the handicraft system of production.
18. Which one of the following best describes the author's attitude toward scientific techniques?
- (A) critical
  - (B) hostile
  - (C) idealistic
  - (D) ironic
  - (E) neutral

(This passage was originally published in 1905)

The word democracy may **stand for** a natural social equality in the **body politic** or for a constitutional form of government in which power lies more or less directly in the people's hand. The former may be called **social democracy** and the latter democratic government. The two differ widely, both in origin and in moral principle. Genetically considered, social democracy is something primitive, unintended, proper to communities where there is general competence and no marked personal eminence. There be no will aristocracy, no prestige, but instead an

intelligent readiness to **lend a hand** and to do **in unison** whatever is done. **In other words**, there will be that most democratic of governments—no government at all. But when pressure of circumstances, danger, or inward strife makes recognized and prolonged guidance necessary to a social democracy, the form its government takes is that of a rudimentary monarchy established by election or general consent. A natural leader emerges and is instinctively obeyed. That leader may indeed be freely criticized and will not be screened by any pomp or traditional mystery; he or she will be easy to replace and every citizen will feel essentially his or her equal. Yet such a state is at the beginnings of monarchy and aristocracy.

Political democracy, on the other hand, is a late and artificial product. It arises by a gradual extension of aristocratic privileges, through rebellion against abuses, and in answer to restlessness on the people's part. Its principle is not the absence of eminence, but the discovery that existing eminence is no longer genuine and representative. It may retain many vestiges of older and less democratic institutions. For under democratic governments the people have not created the state; they merely control it. Their suspicions and **jealousies** are quieted by assigning to them a voice, perhaps only a veto, in the administration. The people's liberty **consists not in** their original responsibility for what exists, but merely **in** the faculty they have acquired of abolishing any detail that may distress or wound them, and of imposing any new measure, which, seen against the background of existing laws, may **commend** itself from time to time **to** their instinct and mind.

If we turn from origins to ideals, the contrast between social and political democracy is no less marked. Social democracy is a general ethical ideal, **looking to** human equality and brotherhood, and inconsistent, in its radical form, with such institutions as the family and **hereditary property**. Democratic government, on the contrary, is merely a means to an end, an **expedient** for the better and smoother government of certain states at certain junctures. It **involves** no special ideals of life; it is a question of policy, namely, whether the general interest will be better served by granting all people an equal voice in elections. For political democracy must necessarily be a government by deputy, and the questions actually submitted to the people can be only very large rough matters of general policy or of confidence in party leaders.

19. The author suggests that the lack of “marked personal eminence” (line 11) is an important feature of a social democracy because
- (A) such a society is also likely to contain the seeds of monarchy and aristocracy
  - (B) the absence of visible social leaders in such a society will probably impede the development of a political democracy
  - (C) social democracy represents a more sophisticated form of government than political democracy
  - (D) a society that lacks recognized leadership will be unable to accomplish its cultural objectives
  - (E) the absence of visible social leaders in such a community is likely to be accompanied by a spirit of cooperation
20. Which one of the following forms of government does the author say is most likely to evolve from a social democracy?
- (A) monarchy



- (B) government by deputy
  - (C) political democracy
  - (D) representative democracy
  - (E) constitutional democracy
21. The author of the passage suggests that a political democracy is likely to have been immediately preceded by which one of the following forms of social organization?
- (A) a social democracy in which the spirit of participation has been diminished by the need to maintain internal security
  - (B) an aristocratic society in which government leaders have grown insensitive to people's interests
  - (C) a primitive society that stresses the radical equality of all its members
  - (D) a state of utopian brotherhood in which no government exists
  - (E) a government based on general ethical ideals
22. According to the passage, "the people's liberty" (line 42) in a political democracy is best defined as
- (A) a willingness to accept responsibility for existing governmental forms
  - (B) a myth perpetrated by aristocratic leaders who refuse to grant political power to their subjects
  - (C) the ability to impose radically new measures when existing governmental forms are found to be inadequate
  - (D) the ability to secure concessions from a government that may retain many aristocratic characteristics
  - (E) the ability to elect leaders whom the people consider socially equal to themselves
23. According to the author of this passage, a social democracy would most likely adopt a formal system of government when
- (A) recognized leadership becomes necessary to deal with social problems
  - (B) people lose the instinctive ability to cooperate in solving social problems
  - (C) a ruling monarch decides that it is necessary to grant political concessions to the people
  - (D) citizens no longer consider their social leaders essentially equal to themselves
  - (E) the human instinct to obey social leaders has been weakened by suspicion and jealousy
24. According to the passage, which one of the following is likely to occur as a result of the discovery that "existing eminence is no longer genuine and representative" (lines 35-36)?
- (A) Aristocratic privileges will be strengthened, which will result in a further loss of the people's liberty.

- (B) The government will be forced to admit its responsibility for the inadequacy of existing political institutions.
  - (C) The remaining vestiges of less democratic institutions will be banished from government.
  - (D) People will gain political concessions from the government and a voice in the affairs of state.
  - (E) People will demand that political democracy conform to the ethical ideals of social democracy.
25. It can be inferred from the passage that the practice of “government by deputy” (line 64) in a political democracy probably has its origins in
- (A) aristocratic ideals
  - (B) human instincts
  - (C) a commitment to human equality
  - (D) a general ethical ideal
  - (E) a policy decision
26. Which one of the following statements, if true, would contradict the author’s notion of the characteristics of social democracy?
- (A) Organized governmental systems tend to arise spontaneously, rather than in response to specific problem situations.
  - (B) The presence of an organized system of government stifles the expression of human equality and brotherhood.
  - (C) Social democracy represents a more primitive form of communal organization than political democracy.
  - (D) Prolonged and formal leadership may become necessary in a social democracy when problems arise that cannot be resolved by recourse to the general competence of the people.
  - (E) Although political democracy and social democracy are radically different forms of communal organization, it is possible for both to contain elements of monarchy.

### LSAT 02 SECTION I

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.*

There is substantial evidence that by 1926, with the publication of *The Weary Blues*, Langston Hughes had broken with two well-established traditions in African American literature. In *The Weary Blues*, Hughes chose to modify the traditions that decreed that African American

literature must promote racial acceptance and integration, and that, in order to do so, it must reflect an understanding and mastery of Western European literary techniques and styles. Necessarily excluded by this decree, linguistically and thematically, was the vast amount of secular folk material in the oral tradition that had been created by Black people in the years of slavery and after. It might be pointed out that even the spirituals or “sorrow songs” of the slaves—as distinct from their secular songs and stories—had been Europeanized to make them acceptable within these African American traditions after the Civil War. In 1862 northern White writers had commented favorably on the unique and provocative melodies of these “sorrow songs” when they first heard them sung by slaves in the Carolina sea islands. But by 1916, ten years before the publication of *The Weary Blues*, Hurry T. Burleigh, the Black baritone soloist at New York’s **ultrafashionable** Saint George’s Episcopal Church, had published *Jubilee Songs of the United States*, with every spiritual arranged so that a concert singer could sing it “in the manner of an art song.” Clearly, the artistic work of Black people could be used to promote racial acceptance and integration only on the condition that it became Europeanized.

Even more than his rebellion against this restrictive tradition in African American art, Hughes’s expression of the vibrant folk culture of Black people established his writing as a landmark in the history of African American literature. Most of his folk poems have the distinctive marks of this folk culture’s oral tradition: they contain many instances of naming and enumeration, considerable hyperbole and **understatement**, and a strong infusion of street-talk rhyming. There is a deceptive veil of artlessness in these poems. Hughes prided himself on being an impromptu and impressionistic writer of poetry. His, he insisted, was not an artfully constructed poetry. Yet an analysis of his dramatic monologues and other poems reveals that his poetry was carefully and artfully crafted. In his folk poetry we find features common to all folk literature, such as dramatic ellipsis, narrative compression, rhythmic repetition, and monosyllabic emphasis. The peculiar mixture of irony and humor we find in his writing is a distinguishing feature of his folk poetry. Together, these aspects of Hughes’s writing helped to modify the previous restrictions on the techniques and subject matter of Black writers and consequently to broaden the linguistic and thematic range of African American literature.

1. The author mentions which one of the following as an example of the influence of Black folk culture on Hughes’s poetry?
  - (A) his exploitation of ambiguous and deceptive meanings
  - (B) his care and craft in composing poems
  - (C) his use of naming and enumeration
  - (D) his use of first-person narrative
  - (E) his strong religious beliefs
2. The author suggests that the “deceptive veil” (line 42) in Hughes’s poetry obscures
  - (A) evidence of his use of oral techniques in his poetry
  - (B) evidence of his thoughtful deliberation in composing his poems
  - (C) his scrupulous concern for representative details in his poetry
  - (D) his incorporation of Western European literary techniques in his poetry

- (E) his engagement with social and political issues rather than aesthetic ones
3. With which one of the following statements regarding *Jubilee Songs of the United States* would the author be most likely to agree?
- (A) Its publication marked an advance in the intrinsic quality of African American art.
- (B) It paved the way for publication of Hughes's *The Weary Blues* by making African American art fashionable.
- (C) It was an authentic replication of African American spirituals and "sorrow songs".
- (D) It demonstrated the extent to which spirituals were adapted in order to make them more broadly accepted.
- (E) It was to the spiritual what Hughes's *The Weary Blues* was to secular songs and stories.
4. The author most probably mentions the reactions of northern White writers to non-Europeanized "sorrow songs" in order to
- (A) indicate that modes of expression acceptable in the context of slavery in the South were acceptable only to a small number of White writers in the North after the Civil War
- (B) contrast White writers' earlier appreciation of these songs with the growing tendency after the Civil War to regard Europeanized versions of the songs as more acceptable
- (C) show that the requirement that such songs be Europeanized was internal to the African American tradition and was unrelated to the literary standards or attitudes of White writers
- (D) demonstrate that such songs in their non-Europeanized form were more imaginative
- (E) suggest that White writers benefited more from exposure to African American art forms than Black writers did from exposure to European art forms
5. The passage suggests that the author would be most likely to agree with which one of the following statements about the requirement that Black writers employ Western European literary techniques?
- (A) The requirement was imposed more for social than for aesthetic reasons.
- (B) The requirement was a relatively unimportant aspect of the African American tradition.
- (C) The requirement was the chief reason for Hughes's success as a writer.
- (D) The requirement was appropriate for some forms of expression but not for others.
- (E) The requirement was never as strong as it may have appeared to be.
6. Which one of the following aspects of Hughes's poetry does the author appear to

value most highly?

- (A) its novelty compared to other works of African American literature
- (B) its subtle understatement compared to that of other kinds of folk literature
- (C) its virtuosity in adapting musical forms to language
- (D) its expression of the folk culture of Black people
- (E) its universality of appeal achieved through the adoption of colloquial expressions

Historians generally agree that, of the great modern innovations, the railroad had the most far-reaching impact on major events in the United States in the nineteenth and early twentieth centuries, particularly on the Industrial Revolution. There is, however, considerable disagreement among cultural historians regarding public attitudes toward the railroad, both at its inception in the 1830s and during the half century between 1880 and 1930, when the national rail system was completed and reached the zenith of its popularity in the United States. In a recent book, John Stilgoe has addressed this issue by arguing that the “romantic-era distrust” of the railroad that he claims was present during the 1830s vanished in the decades after 1880. But the argument he provides in support of this position is unconvincing.

What Stilgoe calls “romantic-era distrust” was in fact the reaction of a minority of writers, artistes, and intellectuals who distrusted the railroad not so much for what it was as for what it *signified*. Thoreau and Hawthorne appreciated, even admired, an improved means of moving things and people from one place to another. What these writers and others were concerned about was not the new machinery *as such*, but the new kind of economy, social order, and culture that it prefigured. In addition, Stilgoe is wrong to imply that the critical attitude of these writers was typical of the period: their distrust was largely a reaction against the prevailing attitude in the 1830s that the railroad was an unqualified improvement.

Stilgoe’s assertion that the ambivalence toward the railroad exhibited by writers like Hawthorne and Thoreau disappeared after the 1880s is also misleading. *In support* of this thesis, Stilgoe has unearthed an impressive volume of material, the work of hitherto unknown illustrators, *journalists*, and novelists, all *devotees* of the railroad; but it is not clear what this new material proves except perhaps that the works of popular culture greatly expanded at the time. The volume of the material proves nothing if Stilgoe’s point is that the earlier distrust of a minority of intellectuals did not endure beyond the 1880s, and, oddly, much of Stilgoe’s other evidence indicates that it did. When he glances at the treatment of railroads by writers like Henry James, Sinclair Lewis, or F. Scott Fitzgerald, what *comes through* in spite of Stilgoe’s analysis is remarkably like Thoreau’s feeling of contrariety and ambivalence. (Had he looked at the work of Frank Norris, Eugene O’Neill, or Henry Adams, Stilgoe’s case would have been much stronger.) The point is that the sharp contrast between the enthusiastic supporters of the railroad in the 1830s and the minority of intellectual dissenters during that period extended into the 1880s and beyond.

7. The passage provides information to answer all of the following questions EXCEPT:

- (A) During what period did the railroad reach the zenith of its popularity in the United States?

- (B) How extensive was the impact of the railroad on the Industrial Revolution in the United States, relative to that of other modern innovations?
- (C) Who are some of the writers of the 1830s who expressed ambivalence toward the railroad?
- (D) In what way could Stilgoe have strengthened his argument regarding intellectuals' attitudes toward the railroad in the years after the 1880s?
- (E) What arguments did the writers after the 1880s, as cited by Stilgoe, offer to justify their support for the railroad?
8. According to the author of the passage, Stilgoe uses the phrase "romantic-era distrust" (line 13) to imply that the view he is referring to was
- (A) the attitude of a minority of intellectuals toward technological innovation that began after 1830
- (B) a commonly held attitude toward the railroad during the 1830s
- (C) an ambivalent view of the railroad expressed by many poets and novelists between 1880 and 1930
- (D) a critique of social and economic developments during the 1830s by a minority of intellectuals
- (E) an attitude toward the railroad that was disseminated by works of popular culture after 1880
9. According to the author, the attitude toward the railroad that was reflected in writings of Henry James, Sinclair Lewis, and F. Scott Fitzgerald was
- (A) influenced by the writings of Frank Norris, Eugene O'Neill, and Henry Adams
- (B) similar to that of the minority of writers who had expressed ambivalence toward the railroad prior to the 1880s
- (C) consistent with the public attitudes toward the railroad that were reflected in works of popular culture after the 1880s
- (D) largely a reaction to the works of writers who had been severely critical of the railroad in the 1830s
- (E) consistent with the prevailing attitude toward the railroad during the 1830s
10. It can be inferred from the passage that the author uses the phrase "works of popular culture" (line 41) primarily to refer to the
- (A) work of a large group of writers that was published between 1880 and 1930 and that in Stilgoe's view was highly critical of the railroad
- (B) work of writers who were heavily influenced by Hawthorne and Thoreau
- (C) large volume of writing produced by Henry Adams, Sinclair Lewis, and Eugene O'Neill
- (D) work of journalists, novelists, and illustrators who were responsible for creating enthusiasm for the railroad during the 1830s



- (E) work of journalists, novelists, and illustrators that was published after 1880 and that has received little attention from scholars other than Stilgoe
11. Which one of the following can be inferred from the passage regarding the work of Frank Norris, Eugene O'Neill, and Henry Adams?
- (A) Their work never achieved broad popular appeal.
- (B) Their ideas were disseminated to a large audience by the popular culture of the early 1800s.
- (C) Their work expressed a more positive attitude toward the railroad than did that of Henry James, Sinclair Lewis, and F. Scott Fitzgerald.
- (D) Although they were primarily novelists, some of their work could be classified as journalism.
- (E) Although they were influenced by Thoreau, their attitude toward the railroad was significantly different from his.
12. It can be inferred from the passage that Stilgoe would be most likely to agree with which one of the following statements regarding the study of cultural history?
- (A) It is impossible to know exactly what period historians are referring to when they use the term "romantic era."
- (B) The writing of intellectuals often anticipates ideas and movements that are later embraced by popular culture.
- (C) Writers who were not popular in their own time tell us little about the age in which they lived.
- (D) The works of popular culture can serve as a reliable indicator of public attitudes toward modern innovations like the railroad.
- (E) The best source of information concerning the impact of an event as large as the Industrial Revolution is the private letters and journals of individuals.
13. The primary purpose of the passage is to
- (A) evaluate one scholar's view of public attitudes toward the railroad in the United States from the early nineteenth to the early twentieth century
- (B) review the treatment of the railroad in American literature of the nineteenth and twentieth centuries
- (C) survey the views of cultural historians regarding the railroad's impact on major events in United States history
- (D) explore the origins of the public support for the railroad that existed after the completion of a national rail system in the United States
- (E) define what historians mean when they refer to the "romantic-era distrust" of the railroad

Three basic adaptive responses—regulatory, acclimatory, and developmental—may occur in organisms as they react to changing environmental conditions. In all three, adjustment of biological features (morphological adjustment) or of their use (functional adjustment) may occur. Regulatory responses involve rapid changes in the organism's use of its physiological

apparatus—increasing or decreasing the rates of various processes, for example. Acclimation involves morphological change—thickening of fur or red blood cell proliferation—which alters physiology itself. Such structural changes require more time than regulatory response changes. Regulatory and acclimatory responses are both reversible.

Developmental responses, however, are usually permanent and irreversible: they become fixed in the course of the individual's development in response to environmental conditions at the time the response occurs. One such response occurs in many kinds of water bugs. Most water-bug species inhabiting small lakes and ponds have two generations per year. The first hatches during the spring, reproduces during the summer, then dies. The eggs laid in the summer hatch and develop into adults in late summer. They live over the winter before breeding in early spring. Individuals in the second (overwintering) generation have fully developed wings and leave the water in autumn to overwinter in forests, returning in spring to small bodies of water to lay eggs. Their wings are absolutely necessary for this seasonal **dispersal**. The summer (early) generation, in contrast, is usually **dimorphic**—some individuals have normal functional (macropterous) wings; others have much-reduced (micropterous) wings of no use for flight. The summer generation's dimorphism is a compromise strategy, for these individuals usually do not leave the ponds and thus generally have no use for fully developed wings. But small ponds occasionally dry up during the summer, forcing the water bugs to search for new habitats, an **eventuality** that macropterous individuals are well adapted to meet.

The dimorphism of micropterous and macropterous individuals in the summer generation expresses developmental flexibility; it is not genetically determined. The individual's wing form is environmentally determined by the temperature to which developing eggs are exposed prior to their being laid. Eggs maintained in a warm environment always produce bugs with normal wing, but exposure to cold produces micropterous individuals. Eggs producing the overwintering brood are all formed during the late summer's warm temperatures. Hence, all individuals in the overwintering brood have normal wings. Eggs laid by the overwintering adults in the spring, which develop into the summer generation of adults, are formed in early autumn and early spring. Those eggs formed in autumn are exposed to cold winter temperatures, and thus produce micropterous adults in the summer generation. Those formed during the spring are never exposed to cold temperatures, and thus yield individuals with normal wing. Adult water bugs of the overwintering generation brought into the laboratory during the cold months and kept warm, produce only macropterous offspring.

14. The primary purpose of the passage is to
- (A) illustrate an organism's functional adaptive response to changing environmental conditions
  - (B) prove that organisms can exhibit three basic adaptive responses to changing environmental conditions
  - (C) explain the differences in form and function between micropterous and macropterous water bugs and analyze the effect of environmental changes on each
  - (D) discuss three different types of adaptive responses and provide an example that explains how one of those types of responses works

- (E) contrast acclimatory responses with developmental responses and suggest an explanation for the evolutionary purposes of these two responses to changing environmental conditions
15. The passage supplies information to suggest that which one of the following would happen if a pond inhabited by water bugs were to dry up in June?
- (A) The number of developmental responses among the water-bug population would decrease.
- (B) Both micropterous and macropterous water bugs would show an acclimatory response.
- (C) The generation of water bugs to be hatched during the subsequent spring would contain an unusually large number of macropterous individuals.
- (D) The dimorphism of the summer generation would enable some individuals to survive.
- (E) The dimorphism of the summer generation would be genetically transferred to the next spring generation.
16. It can be inferred from the passage that if the winter months of a particular year were unusually warm, the
- (A) eggs formed by water bugs in the autumn would probably produce a higher than usual proportion of macropterous individuals
- (B) eggs formed by water bugs in the autumn would probably produce an entire summer generation of water bugs with smaller than normal wings
- (C) eggs of the overwintering generation formed in the autumn would not be affected by this temperature change
- (D) overwintering generation would not leave the ponds for the forest during the winter
- (E) overwintering generation of water bugs would most likely form fewer eggs in the autumn and more in the spring
17. According to the passage, the dimorphic wing structure of the summer generation of water bugs occurs because
- (A) the overwintering generation forms two sets of eggs, one exposed to the colder temperatures of winter and one exposed only to the warmer temperatures of spring
- (B) the eggs that produce micropterous and macropterous adults are morphologically different
- (C) water bugs respond to seasonal changes by making an acclimatory functional adjustment in the wings
- (D) water bugs hatching in the spring live out their life spans in ponds and never need to fly
- (E) the overwintering generation, which produces eggs developing into the dimorphic generation, spends the winter in the forest and the spring in small

ponds

18. It can be inferred from the passage that which one of the following is an example of a regulatory response?
- (A) thickening of the plumage of some birds in the autumn
  - (B) increase in pulse rate during vigorous exercise
  - (C) gradual darkening of the skin after exposure to sunlight
  - (D) gradual enlargement of muscles as a result of weight lifting
  - (E) development of a heavy fat layer in bears before hibernation
19. According to the passage, the generation of water bugs hatching during the summer is likely to
- (A) be made up of equal numbers of macropterous and micropterous individuals
  - (B) lay its eggs during the winter in order to expose them to cold
  - (C) show a marked inability to fly from one pond to another
  - (D) exhibit genetically determined differences in wing form from the early spring-hatched generation
  - (E) contain a much greater proportion of macropterous water bugs than the early spring-hatched generation
20. The author mentions laboratory experiments with adult water bugs (lines 63-66) in order to illustrate which one of the following?
- (A) the function of the summer generation's dimorphism
  - (B) the irreversibility of most developmental adaptive responses in water bugs
  - (C) the effect of temperature on developing water-bug eggs
  - (D) the morphological difference between the summer generation and the overwintering generation of water bugs
  - (E) the functional adjustment of water bugs in response to seasonal temperature variation
21. Which one of the following best describes the organization of the passage?
- (A) Biological phenomena are presented, examples of their occurrence are compared and contrasted, and one particular example is illustrated in detail.
  - (B) A description of related biological phenomena is stated, and two of those phenomena are explained in detail with illustrated examples.
  - (C) Three related biological phenomena are described, a hypothesis explaining their relationship is presented, and supporting evidence is produced.
  - (D) Three complementary biological phenomena are explained, their causes are examined, and one of them is described by contrasting its causes with the other two.
  - (E) A new way of describing biological phenomena is suggested, its applications are presented, and one specific example is examined in detail.

The Constitution of the United States does not explicitly define the extent of the President's authority to involve United States troops in conflicts with other nations in the absence of a declaration of war. Instead, the question of the President's authority in this matter falls in the hazy area of concurrent power, where authority is not expressly allocated to either the President or the Congress. The Constitution gives Congress the basic power to declare war, as well as the authority to raise and support armies and a navy, enact regulations for the control of the military, and provide for the common defense. The President, on the other hand, in addition to being obligated to execute the laws of the land, including commitments negotiated by defense treaties, is named commander in chief of the armed forces and is empowered to appoint envoys and make treaties with the consent of the Senate. Although this allocation of powers does not expressly address the use of armed forces short of a declared war, the spirit of the Constitution at least requires that Congress should be involved in the decision to deploy troops, and in passing the War Powers Resolution of 1973, Congress has at last reclaimed a role in such decisions.

Historically, United States Presidents have not waited for the approval of Congress before involving United States troops in conflicts in which a state of war was not declared. One scholar has identified 199 military engagements that occurred without the consent of Congress, ranging from Jefferson's conflict with the Barbary pirates to Nixon's invasion of Cambodia during the Vietnam conflict, which President Nixon argued was justified because his role as commander in chief allowed him almost unlimited discretion over the deployment of troops. However, the Vietnam conflict, never a declared war, represented a turning point in Congress's tolerance of presidential discretion in the deployment of troops in undeclared wars. Galvanized by the human and monetary cost of those hostilities and showing a new determination to fulfill its proper role, Congress enacted the War Powers Resolution of 1973, a statute designed to ensure that the collective judgment of both Congress and the President would be applied to the involvement of United States troops in foreign conflicts.

The resolution required the President, in the absence of a declaration of war, to consult with Congress "in every possible instance" before introducing forces and to report to Congress within 48 hours after the forces have actually been deployed. Most important, the resolution allows Congress to veto the involvement once it begins, and requires the President, in most cases, to end the involvement within 60 days unless Congress specifically authorizes the military operation to continue. In its final section, by declaring the resolution is not intended to alter the constitutional authority of either Congress or the President, the resolution asserts that congressional involvement in decisions to use armed force is in accord with the intent and spirit of the Constitution.

22. In the passage, the author is primarily concerned with
- (A) showing how the Vietnam conflict led to a new interpretation of the Constitution's provisions for use of the military
  - (B) arguing that the War Powers Resolution of 1973 is an attempt to reclaim a share of constitutionally concurrent power that had been usurped by the President
  - (C) outlining the history of the struggle between the President and Congress for control of the military

- (D) providing examples of conflicts inherent in the Constitution's approach to a balance of powers
  - (E) explaining how the War Powers Resolution of 1973 alters the Constitution to eliminate an overlap of authority
23. With regard to the use of United States troops in a foreign conflict without a formal declaration of war by the United States, the author believes that the United States Constitution does which one of the following?
- (A) assumes that the President and Congress will agree on whether troops should be used
  - (B) provides a clear-cut division of authority between the President and Congress in the decision to use troops
  - (C) assigns a greater role to the Congress than to the President in deciding whether troops should be used
  - (D) grants final authority to the President to decide whether to use troops
  - (E) intends (SIGNIFY, MEAN) that both the President and Congress should be involved in the decision to use troops
24. The passage suggests that each of the following contributed to Congress's enacting the War Powers Resolution of 1973 EXCEPT
- (A) a change in the attitude in Congress toward exercising its role in the use of armed forces
  - (B) the failure of Presidents to uphold commitments specified in defense treaties
  - (C) Congress's desire to be consulted concerning United States military actions instigated by the President
  - (D) the amount of money spent on recent conflicts waged without a declaration of war
  - (E) the number of lives lost in Vietnam
25. It can be inferred from the passage that the War Powers Resolution of 1973 is applicable only in "the absence of a declaration of war" (lines 48-49) because
- (A) Congress has enacted other laws that already set out presidential requirements for situations in which war has been declared
  - (B) by virtue of declaring war, Congress already implicitly participates in the decision to deploy troops
  - (C) the President generally receives broad public support during wars that have been formally declared by Congress
  - (D) Congress felt that the President should be allowed unlimited discretion in cases in which war has been declared
  - (E) the United States Constitution already explicitly defines the reporting and consulting requirements of the President in cases in which war has been declared



26. It can be inferred from the passage that the author believes that the War Powers Resolution of 1973
- (A) is not in accord with the explicit roles of the President and Congress as defined in the Constitution
  - (B) interferes with the role of the President as commander in chief of the armed forces
  - (C) signals Congress's commitment to fulfill a role intended for it by the Constitution
  - (D) fails explicitly to address the use of armed forces in the absence of a declaration of war
  - (E) confirms the role historically assumed by Presidents
27. It can be inferred from the passage that the author would be most likely to agree with which one of the following statements regarding the invasion of Cambodia?
- (A) Because it was undertaken without the consent of Congress, it violated the intent and spirit of the Constitution.
  - (B) Because it galvanized support for the War Powers Resolution, it contributed indirectly to the expansion of presidential authority.
  - (C) Because it was necessitated by a defense treaty, it required the consent of Congress.
  - (D) It served as a precedent for a new interpretation of the constitutional limits on the President's authority to deploy troops.
  - (E) It differed from the actions of past Presidents in deploying United States troops in conflicts without a declaration of war by Congress.
28. According to the provisions of the War Powers Resolution of 1973 as described in the passage, if the President perceives that an international conflict warrants the immediate involvement of United States armed forces, the President is compelled in every instance to
- (A) request that Congress consider a formal declaration of war
  - (B) consult with the leaders of both house of Congress before deploying armed forces
  - (C) desist from deploying any troops unless expressly approved by Congress
  - (D) report to Congress within 48 hours of the deployment of armed forces
  - (E) withdraw any armed forces deployed in such a conflict within 60 days unless war is declared

**LSAT 03 SECTION II****Time 35 minutes 27 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 extent of a nation's power over its coastal ecosystems and the **natural resources** in its coastal waters has been defined by two international law doctrines: freedom of the seas and adjacent state sovereignty. Until the mid-twentieth century, most nations favored application of broad open-seas freedoms and limited sovereign rights over coastal waters. A nation had the right to include within its territorial dominion only a very narrow band of coastal waters (generally extending three miles from the shoreline), within which it had the authority but not the responsibility, to regulate all activities. But, because this area of territorial dominion was so limited, most nations did not establish rules for management or protection of their territorial waters.

Regardless of whether or not nations enforced regulations in their territorial waters, large ocean areas remained free of controls or restrictions. The citizens of all nations had the right to use these unrestricted ocean areas for any innocent purpose, including navigation and fishing. **Except for** controls over its own citizens, no nation had the responsibility, let alone the unilateral authority, to control such activities in international waters. And, since there were few standards of conduct that applied on the "open seas", there were few **jurisdictional** conflicts between nations.

The lack of standards is traceable to popular perceptions held before the middle of this century. By and large, marine pollution was not perceived as a significant problem, **in part** because the adverse effect of coastal activities on ocean ecosystems was not widely recognized, and pollution caused by human activities was generally believed to be limited to that caused by navigation. Moreover, the freedom to fish, or overfish, was an essential element of the traditional legal doctrine of freedom of the seas that no **maritime** country wished to see limited. And finally, the technology that later allowed exploitation of other ocean resources, such as oil, did not yet exist.

To date, controlling pollution and regulating ocean resources have still not been comprehensively addressed by law, but international law—established through the customs and practices of nations—does not preclude such efforts. And two recent developments may actually lead to future international rules providing for ecosystem management. First, the establishment of extensive fishery zones extending territorial authority as far as 200 miles out from a country's coast, has provided the opportunity for nations individually to manage larger ecosystems. This opportunity, combined with national self-interest in maintaining fish populations, could lead nations to reevaluate policies for management of their fisheries and to address the problem of pollution in **territorial waters**. Second, the international community is beginning to understand the importance of preserving the resources and ecology of international waters and to show signs of accepting responsibility for doing so. As an international consensus regarding the need for comprehensive management of ocean resources develops, it will become more likely that international standards and policies for broader regulation of human activities that affect ocean ecosystems will be adopted and implemented.

1. According to the passage, until the mid-twentieth century there were few jurisdictional disputes over international waters because.

- (A) the nearest coastal nation regulated activities
  - (B) few controls or restrictions applied to ocean areas
  - (C) the ocean areas were used for only innocent purposes
  - (D) the freedom of the seas doctrine settled all claims concerning navigation and fishing
  - (E) broad authority over international waters was shared equally among all nations
2. According to the international law doctrines applicable before the mid-twentieth century, if commercial activity within a particular nation's territorial waters threatened all marine life in those waters, the nation would have been
- (A) formally censured by an international organization for not properly regulating marine activities
  - (B) called upon by other nations to establish rules to protect its territorial waters
  - (C) able but not required to place legal limits on such commercial activities
  - (D) allowed to resolve the problem at its own discretion providing it could contain the threat to its own territorial waters
  - (E) permitted to hold the commercial offenders liable only if they were citizens of that particular nation
3. The author suggests that, before the mid-twentieth century, most nations' actions with respect to territorial and international waters indicated that
- (A) managing ecosystems in either territorial or international waters was given low priority
  - (B) unlimited resources in international waters resulted in little interest in territorial waters
  - (C) nations considered it their responsibility to protect territorial but not international waters
  - (D) a nation's authority over its citizenry ended at territorial lines
  - (E) although nations could extend their territorial dominion beyond three miles from their shoreline, most chose not to do so
4. The author cites which one of the following as an effect of the extension of territorial waters beyond the three-mile limit?
- (A) increased political pressure on individual nations to establish comprehensive laws regulating ocean resources
  - (B) a greater number of jurisdictional disputes among nations over the regulation of fishing on the open seas
  - (C) the opportunity for some nations to manage large ocean ecosystems
  - (D) a new awareness of the need to minimize pollution caused by navigation
  - (E) a political incentive for smaller nations to solve the problems of pollution in their coastal waters

5. According to the passage, before the middle of the twentieth century, nations failed to establish rules protecting their territorial waters because
- (A) the waters appeared to be unpolluted and to contain unlimited resources
  - (B) the fishing industry would be adversely affected by such rules
  - (C) the size of the area that would be subject to such rules was insignificant
  - (D) the technology needed for pollution control and resource management did not exist
  - (E) there were few jurisdictional conflicts over nations' territorial waters
6. The passage as a whole can best be described as
- (A) a chronology of the events that have led up to present-day crisis
  - (B) a legal inquiry into the abuse of existing laws and the likelihood of reform
  - (C) a political analysis of the problems inherent in directing national attention to an international issue
  - (D) a historical analysis of a problem that requires international attention
  - (E) a proposal for adopting and implementing international standards to solve an ecological problem

The human species came into being at the time of the greatest biological diversity in the history of the Earth. Today, as human populations expand and alter the natural environment, they are reducing biological diversity to its lowest level since the end of the Mesozoic era, 65 million years ago. The ultimate consequences of this biological collision are beyond calculation, but they are certain to be harmful. That, in essence, is the biodiversity crisis.

The history of global diversity can be summarized as follows: after the initial flowering of multicellular animals, there was a swift rise in the number of species in early Paleozoic times (between 600 and 430 million years ago), then plateaulike stagnation for the remaining 200 million years of the Paleozoic era, and finally a slow but steady climb through the Mesozoic and Cenozoic eras to diversity's all-time high. This history suggests that biological diversity was hard won and a long time in coming. Furthermore, this pattern of increase was set back by five massive extinction episodes. The most recent of these, during the Cretaceous period, is by far the most famous, because it ended the age of the dinosaurs, conferred hegemony on the mammals, and ultimately made possible the ascendancy of the human species. But the Cretaceous crisis was minor compared with the Permian extinctions 240 million years ago, during which between 77 and 96 percent of marine animal species perished. It took 5 million years, well into Mesozoic times, for species diversity to begin a significant recovery.

Within the past 10,000 years biological diversity has entered a wholly new era. Human activity has had a devastating effect on species diversity, and the rate of human-induced extinctions is accelerating. Half of the bird species of Polynesia have been eliminated through hunting and the destruction of native forests. Hundreds of fish species endemic to Lake Victoria are now threatened with extinction following the careless introduction of one species of fish, the Nile perch. The list of such biogeographic disasters is extensive.

Because every species is unique and irreplaceable, the loss of biodiversity is the most profound process of environmental change. Its consequences are also the least predictable

because the value of Earth's biota (the fauna and flora collectively) remains largely unstudied and unappreciated; unlike material and cultural wealth, which we understand because they are the **substance** of our everyday lives, biological wealth is usually taken for granted. This is a serious strategic error, one that will be increasingly regretted as time passes. The biota is not only part of a country's heritage, the product of millions of years of evolution centered on that place; it is also a potential source for immense untapped material wealth in the form of food, medicine, and other commercially important substance.

7. Which one of the following best expresses the main idea of the passage?
- (A) The reduction in biodiversity is an irreversible process that represents a setback both for science and for society as a whole.
  - (B) The material and cultural wealth of a nation are insignificant when compared with the country's biological wealth.
  - (C) The enormous diversity of life on Earth could not have come about without periodic extinctions that have conferred preeminence on one species at the expense of another.
  - (D) The human species is in the process of initiating a massive extinction episode that may make past episodes look minor **by comparison**.
  - (E) The current decline in species diversity is human-induced tragedy of incalculable proportions that has potentially grave consequences for the human species.
8. Which one of the following situations is most analogous to the history of global diversity summarized in lines 10-18 of the passage?
- (A) The number of fish in a lake declines abruptly as a result of water pollution, then makes a slow **comeback** after cleanup efforts and the passage of ordinances against dumping.
  - (B) The concentration of chlorine in the water supply of large city fluctuates widely before stabilizing at a constant and safe level.
  - (C) An old-fashioned article of clothing goes in and out of style periodically as a result of features in fashion magazines and the popularity of certain period films.
  - (D) After valuable mineral deposits are discovered, the population of a geographic region booms then **levels off** and begins to decrease at a slow and steady pace.
  - (E) The variety of styles stocked by a shoe store increases rapidly after the store opens, holds constant for many months, and then gradually creeps upward.
9. The author suggests which one of the following about the Cretaceous crisis?
- (A) It was the second most devastating extinction episode in history.
  - (B) It was the most devastating extinction episode up until that time.
  - (C) It was less devastating to species diversity than is the current biodiversity crisis.

- (D) The rate of extinction among marine animal species as a result of the crisis did not approach 77 percent.
- (E) The dinosaurs comprised the great majority of species that perished during the crisis.
10. The author mentions the Nile perch in order to provide an example of
- (A) a species that has become extinct through human activity
  - (B) the typical lack of foresight that has led to biogeographic disaster
  - (C) a marine animal species that survived the Permian extinctions
  - (D) a species that is a potential source of material wealth
  - (E) the kind of action that is necessary to reverse the decline in species diversity
11. All of the following are explicitly mentioned in the passage as contributing to the extinction of species EXCEPT
- (A) hunting
  - (B) pollution
  - (C) deforestation
  - (D) the growth of human populations
  - (E) human-engineered changes in the environment
12. The passage suggests which one of the following about material and cultural wealth?
- (A) Because we can readily assess the value of material and cultural wealth, we tend not to take them for granted.
  - (B) Just as the biota is a source of potential material wealth, it is an untapped source of cultural wealth as well.
  - (C) Some degree of material and cultural wealth may have to be sacrificed if we are to protect our biological heritage.
  - (D) Material and cultural wealth are of less value than biological wealth because they have evolved over a shorter period of time.
  - (E) Material wealth and biological wealth are interdependent in a way that material wealth and cultural wealth are not.
13. The author would be most likely to agree with which one of the following statements about the consequences of the biodiversity crisis?
- (A) The loss of species diversity will have as immediate an impact on the material of nations as on their biological wealth.
  - (B) The crisis will likely end the hegemony of the human race and bring about the ascendancy of another species.
  - (C) The effects of the loss of species diversity will be dire, but we cannot yet tell how dire.
  - (D) It is more fruitful to discuss the consequences of the crisis in terms of the



potential loss to humanity than in strictly biological loss to humanity than in strictly biological terms.

- (E) The consequences of the crisis can be minimized, but the pace of extinctions can not be reversed.

Women's participation in the revolutionary events in France between 1789 and 1795 has only recently been given **nuanced** treatment. Early twentieth century historians of the French Revolution are typified by Jaures, who, though sympathetic to the women's movement of his own time, never even mentions its antecedents in revolutionary France. Even today most general histories treat only cursorily a few individual women, like Marie Antoinette. The recent studies by Landes, Badinter, Godineau, and Roudinesco, however, should signal a much-needed reassessment of women's participation.

Godineau and Roudinesco point to three significant phases in that participation. The first, up to mid-1792, involved those women who wrote political tracts. Typical of their orientation to theoretical issues—in Godineau's view, without practical effect—is Marie Gouze's *Declaration of the Right of Women*. The emergence of vocal middle-class women's political clubs marks the second phase. Formed in 1791 as adjuncts of middle-class male political clubs, and originally philanthropic in function, by late 1792 independent clubs of women began to advocate military participation for women. In the final phase, the famine of 1795 occasioned a mass women's movement: women seized food supplies, hold officials hostage, and argued for the implementation of democratic politics. This phase ended in May of 1795 with the military suppression of this multiclass movement. In all three phases women's participation in politics contrasted markedly with their participation before 1789. Before that date some noblewomen participated indirectly in elections, but such participation by more than a narrow range of the population—women or men—came only with the Revolution.

What makes the recent studies particularly compelling, however, is not so much their organization of chronology as their **unflinching** willingness to confront the reasons for the collapse of the women's movement. For Landes and Badinter, the necessity of women's having to speak in the established vocabularies of certain intellectual and political tradition diminished the ability of the women's movement to resist suppression. Many women, and many men, they argue, located their vision within the confining tradition of Jean-Jacques Rousseau, who linked male and female roles with public and private spheres respectively. But, when women went on to make political alliances with radical **Jacobin** men, Badinter asserts, they adopted a vocabulary and a violently **extremist** viewpoint that unfortunately was even more damaging to their political interests.

Each of these scholars has different political agenda and takes a different approach—Godineau, for example, works with police archives while Roudinesco uses explanatory schema from modern psychology. Yet, admirably, each gives center stage to a group that previously has been marginalized, or at best undifferentiated, by historians. And in the case of Landes and Badinter, the reader is left with a **sobering** awareness of the cost to the women of the Revolution of speaking in borrowed voices.

14. Which one of the following best states the main point of the passage?

- (A) According to recent historical studies, the participation of women in the

- revolutionary events of 1789-1795 can most profitably be viewed in three successive stages.
- (B) The findings of certain recent historical studies have resulted from an earlier general reassessment, by historians, of women's participation in the revolutionary events of 1789-1795.
- (C) Adopting the vocabulary and viewpoint of certain intellectual and political traditions resulted in no political advantage for women in France in the years 1789-1795.
- (D) Certain recent historical studies have provided a much-needed description and evaluation of the evolving roles of women in the revolutionary events of 1789-1795.
- (E) Historical studies that seek to explain the limitations of the women's movement is more convincing than are those that seek only to describe the general features of that movement.
15. The passage suggests that Godineau would be likely to agree with which one of the following statements about Marie Gouze's Declaration of the Rights of Women?
- (A) This work was not understood by many of Gouze's contemporaries.
- (B) This work indirectly inspired the formation of independent women's political clubs.
- (C) This work had little impact on the world of political action.
- (D) This work was the most compelling produced by a French woman between 1789 and 1792.
- (E) This work is typical of the kind of writing French women produced between 1793 and 1795.
16. According to the passage, which one of the following is a true statement about the purpose of the women's political clubs mentioned in line 20?
- (A) These clubs fostered a mass women's movement.
- (B) These clubs eventually developed a purpose different from their original purpose.
- (C) These clubs were founded to advocate military participation for women.
- (D) These clubs counteracted the original purpose of male political clubs.
- (E) These clubs lost their direction by the time of the famine of 1795.
17. The primary function of the first paragraph of the passage is to:
- (A) outline the author's argument about women's roles in France between 1789 and 1795
- (B) anticipate possible challenges to the findings of the recent studies of women in France between 1789 and 1795
- (C) summarize some long-standing explanations of the role of individual women

- in France between 1789 and 1795
- (D) present a context for the discussion of recent studies of women in France between 1789 and 1795
- (E) characterize various eighteenth-century studies of women in France
18. The passage suggests that Landes and Badinter would be likely to agree with which one of the following statements about the women's movement in France in the 1790s?
- (A) The movement might have been more successful if women had developed their own political vocabularies.
- (B) The downfall of the movement was probably unrelated to its alliance with Jacobin men.
- (C) The movement had a great deal of choice about whether to adopt a Rousseauist political vocabulary.
- (D) The movement would have triumphed if it had not been suppressed by military means.
- (E) The movement viewed a Rousseauist political tradition, rather than a Jacobin political ideology, as detrimental to its interests.
19. In the context of the passage, the word "cost" in line 63 refers to the
- (A) dichotomy of private roles for women and public roles for men
- (B) almost nonexistent political participation of women before 1789
- (C) historians' lack of differentiation among various groups of women
- (D) political alliances women made with radical Jacobin men
- (E) collapse of the women's movement in the 1790s
20. The author of the passage is primarily concerned with
- (A) criticizing certain political and intellectual traditions
- (B) summarizing the main points of several recent historical studies and assessing their value
- (C) establishing a chronological sequence and arguing for its importance
- (D) comparing and contrasting women's political activities before and after the French Revolution
- (E) reexamining a long-held point of view and isolating its strengths and weaknesses

Art historians' approach to French Impressionism has changed significantly in recent years. While a decade ago Rewald's *History of Impressionism*, which emphasizes Impressionist painters' stylistic innovations, was unchallenged, the literature on impressionism has now become a kind of ideological battlefield, in which more attention is paid to the subject matter of the paintings, and to the social and moral issues raised by it, than to their style. Recently, politically charged discussions that address the impressionists' unequal treatment of men and women and the exclusion of modern industry and labor from their pictures have tended to

crowd out the stylistic analysis favored by Rewald and his followers. In a new work illustrating this trend, Robert L. Herbert dissociates himself from formalists whose preoccupation with the stylistic features of impressionist painting has, in Herbert's view, left the history out of art history; his aim is to restore impressionist paintings "to their sociocultural context." However, his arguments are not finally persuasive.

In attempting to place impressionist painting in its proper historical context, Herbert has redrawn the traditional boundaries of impressionism. Limiting himself to the two decades between 1860 and 1880, he assembles under the impressionist banner what can only be described as a somewhat eccentric grouping of painters. Cezanne, Pissarro, and Sisley are almost entirely ignored, largely because their paintings do not suit Herbert's emphasis on themes of urban life and suburban leisure, while Manet, Degas, and Caillebotte—who paint scenes of urban life but whom many would hardly characterize as impressionists—dominate the first half of the book. Although this new description of Impressionist painting provides a more unified conception of nineteenth-century French painting by grouping quite disparate modernist painters together and emphasizing their common concerns rather than their stylistic difference, it also forces Herbert to overlook some of the most important genres of impressionist painting—portraiture, pure landscape, and still-life painting.

Moreover, the rationale for Herbert's emphasis on the social and political realities that Impressionist paintings can be said to communicate rather than on their style is finally undermined by what even Herbert concedes was the failure of Impressionist painters to serve as particularly conscientious illustrators of their social milieu. They left much ordinary experience—work and poverty, for example—out of their paintings and what they did put in was transformed by a style that had only an indirect relationship to the social realities of the world they depicted. Not only were their pictures inventions rather than photographs, they were inventions in which style to some degree disrupted description. Their painting in effect have two levels of subject: what is represented and how it is represented, and no art historian can afford to emphasize one at the expense of the other.

21. Which one of the following best expresses the main point of the passage?
- (A) The style of impressionist paintings has only an indirect relation to their subject matter.
  - (B) The approach to impressionism that is illustrated by Herbert's recent book is inadequate.
  - (C) The historical context of impressionist paintings is not relevant to their interpretation.
  - (D) impressionism emerged from a historical context of ideological conflict and change.
  - (E) Any adequate future interpretation of impressionism will have to come to terms with Herbert's view of this art movement.
22. According to the passage, Rewald's book on impressionism was characterized by which one of the following?
- (A) evenhanded objectivity about the achievements of impressionism

- (B) bias in favor of certain impressionist painters
  - (C) an emphasis on the stylistic features of impressionist painting
  - (D) an idiosyncratic view of which painters were to be classified as impressionists
  - (E) a refusal to enter into the ideological debates that had characterized earlier discussions of impressionism
23. The author implies that Herbert's redefinition of the boundaries of impressionism resulted from which one of the following?
- (A) an exclusive emphasis on form and style
  - (B) a bias in favor of the representation of modern industry
  - (C) an attempt to place impressionism within a specific sociocultural context
  - (D) a broadening of the term impressionism to include all nineteenth-century French painting
  - (E) an insufficient familiarity with earlier interpretations of impressionism
24. The author states which one of the following about modern industry and labor as subjects for painting?
- (A) The impressionists neglected these subjects in their paintings.
  - (B) Herbert's book on impressionism fails to give adequate treatment of these subjects.
  - (C) The impressionists' treatment of these subjects was idealized.
  - (D) Rewald's treatment of impressionist painters focused inordinately on their representations of these subjects.
  - (E) Modernist painters presented a distorted picture of these subjects.
25. Which one of the following most accurately describes the structure of the author's argument in the passage?
- (A) The first two paragraphs each present independent arguments for a conclusion that is drawn in the third paragraph.
  - (B) A thesis is stated in the first paragraph and revised in the second paragraph and revised in the second paragraph, and the revised thesis is supported with argument in the third paragraph.
  - (C) The first two paragraphs discuss and criticize a thesis, and the third paragraph presents an alternative thesis.
  - (D) a claim is made in the first paragraph, and the next two paragraph, and the next two paragraphs each present reasons for accepting that claim.
  - (E) An argument is presented in the first paragraph, a counterargument is presented in the second paragraph, and the third paragraph suggests a way to resolve the dispute.
26. The author's statement that impressionist paintings "were inventions in which style to some degree disrupted description" (lines 57-59) serves to
- (A) strengthen the claim that impressionist sought to emphasize the differences

- between painting and photography
- (B) weaken the argument that style is the only important feature of impressionist paintings
- (C) indicate that impressionists recognized that they had been strongly influence by photography
- (D) support the argument that an exclusive emphasis on the impressionists subject matter is mistaken
- (E) undermine the claim that impressionists neglected certain kinds of subject matter
27. The author would most likely regard a book on the impressionists that focused entirely on their style as
- (A) a product of the recent confusion caused by Herbert's book on impressionism
- (B) emphasizing what impressionists themselves took to be their primary artistic concern
- (C) an overreaction against the traditional interpretation of impressionism
- (D) neglecting the most innovative aspects of impressionism
- (E) addressing only part of what an adequate treatment should cover

#### **LSAT 04 SECTION IV**

**Time 35 minutes 27 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.*

Governments of developing countries occasionally **enter into** economic development **agreements** with foreign investors who provide capital and technological expertise that may not be readily available in such countries. Besides the normal economic risk that accompanies such enterprises, investors face the additional risk that the host government may attempt unilaterally to change in its favor the terms of the agreement or even to terminate the agreement altogether and appropriate the project for itself. In order to make economic development agreements more attractive to investors, some developing countries have attempted to strengthen the security of such agreements with clauses specifying that the agreements will be governed by "general principles of law recognized by civilized nations"—a set of legal principles or rules shared by the world's major legal systems. However, advocates of governments' freedom to modify or terminate such agreements argue that these agreements **fall within** a special class of contracts known as administrative contracts, a concept that originated in French law. They assert that under the theory of administrative contracts, a government retains inherent power to modify or terminate its own contract, and that this power indeed constitutes a general principle of law. However, their argument is flawed on at least two counts.

First, in French law not all government contracts are treated as administrative contracts.



Some contracts are designated as administrative by specific statute, in which case the contractor is made aware of the applicable legal rules upon entering into agreement with the government. Alternatively, the contracting government agency can itself designate a contract as administrative by including certain terms not found in private civil contracts. Moreover, even in the case of administrative contracts, French law requires that in the event that the government unilaterally modifies the terms of the contract, it must compensate the contractor for any increased burden resulting from the government's action. In effect, the government is thus prevented from modifying those contractual terms that define the financial balance of the contract.

Second, the French law of administrative contracts, although adopted by several countries, is not so universally accepted that it can be embraced as a general principle of law. In both the United States and the United Kingdom, government contracts are governed by the ordinary law of contracts, with the result that the government can reserve the power to modify or terminate a contract unilaterally only by writing such power into the contract as a specific provision. Indeed, the very fact that termination and modification clauses are commonly found in government contracts suggests that a government's capacity to modify or terminate agreements unilaterally derives from specific contract provisions, not from inherent state power.

1. In the passage, the author is primarily concerned with doing which one of the following?
  - (A) pointing out flaws in an argument provided in support of a position
  - (B) analyzing the weaknesses inherent in the proposed solution to a problem
  - (C) marshaling evidence in support of a new explanation of a phenomenon
  - (D) analyzing the risks inherent in adopting a certain course of action
  - (E) advocating a new approach to a problem that has not been solved by traditional means
2. It can be inferred from the passage that the author would be most likely to agree with which one of the following assertions regarding the "general principles of law" mentioned in lines 16-17 of the passage?
  - (A) They fail to take into account the special needs and interests of developing countries that enter into agreements with foreign investors.
  - (B) They have only recently been invoked as criteria for adjudicating disputes between governments and foreign investors.
  - (C) They are more compatible with the laws of France and the United States than with those of the United Kingdom.
  - (D) They do not assert that governments have an inherent right to modify unilaterally the terms of agreements that they have entered into with foreign investors.
  - (E) They are not useful in adjudicating disputes between developing countries and foreign investors.
3. The author implies that which one of the following is true of economic

development agreements?

- (A) They provide greater economic benefits to the governments that are parties to such agreements than to foreign investors.
  - (B) They are interpreted differently by courts in the United Kingdom than they are by courts in the United States.
  - (C) They have proliferated in recent years as a result of governments' attempts to make them more legally secure.
  - (D) They entail greater risk to investors when the governments that enter into such agreements reserve the right to modify unilaterally the terms of the agreements.
  - (E) They have become less attractive to foreign investors as an increasing number of governments that enter into such agreements consider them governed by the law of ordinary contracts.
4. According to the author, which one of the following is true of a contract that is designated by a French government agency as an administrative contract?
- (A) It requires the government agency to pay for unanticipated increases in the cost of delivering the goods and services specified in the contract.
  - (B) It provides the contractor with certain guarantees that are not normally provided in private civil contracts.
  - (C) It must be ratified by the passage of a statute.
  - (D) It discourages foreign companies from bidding on the contract.
  - (E) It contains terms that distinguish it from a private civil contract.
5. It can be inferred from the passage that under the "ordinary law of contracts" (lines 53-54), a government would have the right to modify unilaterally the terms of a contract that it had entered into with a foreign investor if which one of the following were true?
- (A) The government undertook a greater economic risk by entering into the contract than did the foreign investor.
  - (B) The cost to the foreign investor of abiding by the terms of the contract exceeded the original estimates of such costs.
  - (C) The modification of the contract did not result in any increased financial burden for the investor.
  - (D) Both the government and the investor had agreed to abide by the general principles of law recognized by civilized nations.
  - (E) The contract contains a specific provision allowing the government to modify the contract.
6. In the last paragraph, the author refers to government contracts in the United States and the United Kingdom primarily in order to
- (A) Cite two governments that often reserve the right to modify unilaterally contracts that they enter into with foreign investors.

- (B) Support the assertion that there is no general principle of law governing contracts between private individuals and governments.
  - (C) Cast doubt on the alleged universality of the concept of administrative contracts.
  - (D) Provide examples of legal systems that might benefit from the concept of administrative contracts.
  - (E) Provide examples of characteristics that typically distinguish government contracts from private civil contracts.
7. Which one of the following best states the author's main conclusion in the passage?
- (A) Providing that an international agreement be governed by general principles of law is not a viable method of guaranteeing the legal security of such an agreement.
  - (B) French law regarding contracts is significantly different from those in the United States and the United Kingdom.
  - (C) Contracts between governments and private investors in most nations are governed by ordinary contract law.
  - (D) An inherent power of a government to modify or terminate a contract cannot be considered a general principle of law.
  - (E) Contracts between governments and private investors can be secured only by reliance on general principles of law.
8. The author's argument in lines 57-62 would be most weakened if which one of the following were true?
- (A) The specific provisions of government contracts often contain explicit statements of what all parties to the contracts already agree are inherent state powers.
  - (B) Governments are more frequently put in the position of having to modify or terminate contracts than are private individuals.
  - (C) Modification clauses in economic development agreements have frequently been challenged in international tribunals by foreign investors who were a party to such agreements.
  - (D) The general principles of law provide that modification clauses cannot allow the terms of a contract to be modified in such a way that the financial balance of the contract is affected.
  - (E) Termination and modification agreements are often interpreted differently by national courts than they are by international tribunals.

Nico Frijda writes that emotions are governed by a psychological principle called the "law of apparent reality": emotions are elicited only by events appraised as real, and the intensity of these emotions corresponds to the degree to which these events are appraised as real. This observation seems psychologically plausible, but emotional responses elicited by works of art raise counterexamples.

Frijda's law accounts for my panic if I am afraid of snakes and see an object I correctly appraise as a rattlesnake, and also for my identical response if I see a coiled garden hose I mistakenly perceive to be a snake. However, suppose I am watching a movie and see a snake gliding toward its victim. Surely I might experience the same emotions of panic and distress, though I know the snake is not real. These responses extend even to phenomena not conventionally accepted as real. A movie about ghosts, for example, may be terrifying to all viewers, even those who firmly reject the possibility of ghosts, but this is not because viewers are confusing cinematic depiction with reality. Moreover, I can feel strong emotions in response to objects of art that are interpretations, rather than representations, of reality: I am moved by Mozart's *Requiem*, but I know that I am not at a real funeral. However, if Frijda's law is to explain all emotional reactions, there should be no emotional response at all to aesthetic objects or events, because we know they are not real in the way a living rattlesnake is real.

Most psychologists, perplexed by the feelings they acknowledge are aroused by aesthetic experience, have claimed that these emotions are genuine, but different in kind from nonaesthetic emotions. This, however, is a descriptive distinction rather than an empirical observation and consequently lacks explanatory value. On the other hand, Gombrich argues that emotional responses to art are ersatz; art triggers remembrances of previously experienced emotions. These debates have prompted the psychologist Radford to argue that people do experience real melancholy or joy in responding to art, but that these are irrational responses precisely because people know they are reacting to illusory stimuli. Frijda's law does not help us to untangle these positions, since it simply implies that events we recognize as being represented rather than real cannot elicit emotion in the first place.

Frijda does suggest that a vivid imagination has "properties of reality"—implying, without explanation, that we make aesthetic objects or events "real" in the act of experiencing them. However, as Scruton argues, a necessary characteristic of the imaginative construction that can occur in an emotional response to art is that the person knows he or she is pretending. This is what distinguishes imagination from psychotic fantasy.

9. Which one of the following best states the central idea of the passage?
- (A) The law of apparent reality fails to account satisfactorily for the emotional nature of belief.
  - (B) Theories of aesthetic response fail to account for how we distinguish unreasonable from reasonable responses to art.
  - (C) The law of apparent reality fails to account satisfactorily for emotional responses to art.
  - (D) Psychologists have been unable to determine what accounts for the changeable nature of emotional responses to art.
  - (E) Psychologists have been unable to determine what differentiates aesthetic from nonaesthetic emotional responses.
10. According to the passage, Frijda's law asserts that emotional responses to events are
- (A) unpredictable because emotional responses depend on how aware the person is of the reality of an event

- (B) weaker if the person cannot distinguish illusion from reality
- (C) more or less intense depending on the degree to which the person perceives the event to be real
- (D) more intense if the person perceives an event to be frightening
- (E) weaker if the person judges an event to be real but unthreatening
11. The author suggests that Frijda's notion of the role of imagination in aesthetic response is problematic because it
- (A) ignore the unselfconsciousness that is characteristic of emotional responses to art
- (B) ignores the distinction between genuine emotion and ersatz emotion
- (C) ignores the fact that a person who is imagining knows that he or she is imagining
- (D) makes irrelevant distinctions between vivid and weak imaginative capacities
- (E) suggests, in reference to the observation of art, that there is no distinction between real and illusory stimuli
12. The passage supports all of the following statements about the differences between Gombrich and Radford EXCEPT:
- (A) Radford's argument relies on a notion of irrationality in a way that Gombrich's argument does not.
- (B) Gombrich's position is closer to the position of the majority of psychologists than is Radford's.
- (C) Gombrich, unlike Radford, argues that we do not have true emotions in response to art.
- (D) Gombrich's argument rests on a notion of memory in a way that Radford's argument does not.
- (E) Radford's argument, unlike Gombrich's, is not focused on the artificial quality of emotional responses to art.
13. Which one of the following best captures the progression of the author's argument in lines 9-31?
- (A) The emotional responses to events ranging from the real to the depicted illustrate the irrationality of emotional response.
- (B) A series of events that range from the real to the depicted conveys the contrast between real events and cinematic depiction.
- (C) An intensification in emotional response to a series of events that range from the real to the depicted illustrates Frijda's law.
- (D) A progression of events that range from the real to the depicted examines the precise nature of panic in relation to feared object.
- (E) The consistency of emotional responses to events that range from the real to the depicted challenges Frijda's law.

14. Author's assertions concerning movies about ghosts imply that all of the following statements are false EXCEPT:
- (A) Movies about ghosts are terrifying in proportion to viewers' beliefs in the phenomenon of ghosts.
  - (B) Movies about imaginary phenomena like ghosts may be just as terrifying as movies about phenomena like snake.
  - (C) Movies about ghosts and snakes are not terrifying because people know that what they viewing is not real.
  - (D) Movies about ghosts are terrifying to viewers who previously rejected the possibility of ghosts because movies permanently alter the viewers sense of reality.
  - (E) Movies about ghosts elicit a very different emotional response from viewers who do not believe in ghosts than movies about snakes elicit from viewers who are frightened by snakes.
15. Which one of the following statements best exemplifies the position of Radford concerning the nature of emotional response to art?
- (A) A person watching a movie about guerrilla warfare irrationally believes that he or she is present at the battle.
  - (B) A person watching a play about a kidnapping feels nothing because he or she rationally realizes it is not a real event.
  - (C) A person gets particular enjoyment out of writing fictional narratives in which he or she figures as a main character.
  - (D) A person irrationally bursts into tears while reading a novel about a destructive fire, even while realizing that he or she is reading about a fictional event.
  - (E) A person who is afraid of snakes trips over a branch and irrationally panics.

Although bacteria are unicellular and among the simplest autonomous forms of life, they show a remarkable ability to sense their environment. They are attracted to materials they need and are repelled by harmful substances. Most types of bacteria swim very erratically: short smooth runs in relatively straight lines are followed by brief tumbles, after which the bacteria shoot off in random directions. This leaves researchers with the question of how such bacteria find their way to an attractant such as food or, in the case of photosynthetic bacteria, light, if their swimming pattern consists only of smooth runs and tumbles, the latter resulting in random changes in direction.

One clue comes from the observation that when a chemical attractant is added to a suspension of such bacteria, the bacteria swim along a gradient of the attractant, from an area where the concentration of the attractant is weaker to an area where it is stronger. As they do so, their swimming is characterized by a decrease in tumbling and an increase in straight runs over relatively longer distances. As the bacteria encounter increasing concentrations of the attractant, their tendency to tumble is suppressed, whereas tumbling increases whenever they move away from the attractant. The net effect is that runs in the direction of higher



concentrations of the attractant become longer and straighter as a result of the suppression of tumbling, whereas runs away from it are shortened by an increased tendency of the bacteria to tumble and change direction.

Biologists have proposed two mechanisms that bacteria might use in detecting changes in the concentration of a chemical attractant. First, a bacterium might compare the concentration of a chemical at the front and back of its cell body simultaneously. If the concentration is higher at the front of the cell, then it knows it is moving up the concentration gradient, from an area where the concentration is lower to an area where it is higher. Alternatively, it might measure the concentration at one instant and again after a brief interval, in which case the bacterium must retain a memory of the initial concentration. Researchers reasoned that if bacteria do compare concentrations at different times, then when suddenly exposed to a uniformly high concentration of an attractant, the cells would behave as if they were swimming up a concentration gradient, with long, smooth runs and relatively few tumbles. If, on the other hand, bacteria detect a chemical gradient by measuring it simultaneously at two distinct points, front and back, on the cell body, they would not respond to the jump in concentration because the concentration of the attractant in front and back of the cells, though high, would be uniform. Experimental evidence suggests that bacteria compare concentrations at different times.

16. It can be inferred from the passage that which one of the following experimental results would suggest that bacteria detect changes in the concentration of an attractant by measuring its concentration in front and back of the cell body simultaneously?
- (A) When suddenly transferred from a medium in which the concentration of an attractant was uniformly low to one in which the concentration was uniformly high, the tendency of the bacteria to tumble and undergo random changes in direction increased.
  - (B) When suddenly transferred from a medium in which the concentration of an attractant was uniformly low to one in which the concentration was uniformly high, the bacteria's exhibited no change in the pattern of their motion.
  - (C) When suddenly transferred from a medium in which the concentration of an attractant was uniformly low to one in which the concentration was uniformly high, the bacteria's movement was characterized by a complete absence of tumbling.
  - (D) When placed in a medium in which the concentration of an attractant was in some areas low and in others high, the bacteria exhibited an increased tendency to tumble in those areas where the concentration of the attractant was high.
  - (E) When suddenly transferred from a medium in which the concentration of an attractant was uniformly low to one that was completely free of attractants, the bacteria exhibited a tendency to suppress tumbling and move in longer, straighter lines.
17. It can be inferred from the passage that a bacterium would increase the likelihood

of its moving away from an area where the concentration of a harmful substance is high if it did which one of the following?

- (A) Increased the speed at which it swam immediately after undergoing the random changes in direction that result from tumbling.
  - (B) Detected the concentration gradient of an attractant toward which it could begin to swim.
  - (C) Relied on the simultaneous measurement of the concentration of the substance in front and back of its body, rather than on the comparison of the concentration at different points in time.
  - (D) Exhibited a complete cessation of tumbling when it detected increases in the concentration of substance.
  - (E) Exhibited an increased tendency to tumble as it encountered increasing concentrations of the substance, and suppressed tumbling as it detected decreases in the concentration of the substance.
18. It can be inferred from the passage that when describing bacteria as “swimming up a concentration gradient” (lines 49-50), the author means that they were behaving as if they were swimming
- (A) Against a resistant medium that makes their swimming less efficient.
  - (B) Away from a substance to which they are normally attracted.
  - (C) Away from a substance that is normally harmful to them.
  - (D) From an area where the concentration of a repellent is weaker to an area where it is completely absent.
  - (E) From an area where the concentration of a substance is weaker to an area where it is stronger.
19. The passage indicates that the pattern that characterizes a bacterium’s motion **changes** in response to
- (A) The kinds of chemical attractants present in different concentration gradients.
  - (B) The mechanism that the bacterium adopts in determining the presence of an attractant.
  - (C) The bacterium’s detection of changes in the concentration of an attractant.
  - (D) The extent to which neighboring bacteria are engaged in tumbling.
  - (E) Changes in the intervals of time that occur between the bacterium’s measurement of the concentration of an attractant.
20. Which one of the following best describes the organization of the third paragraph of the passage?
- (A) Two approaches to a problem are discussed, a test that would determine which is more efficient is described, and a conclusion is made, based on experimental evidence.
  - (B) Two hypotheses are described, a way of determining which of them is more

likely to be true is discussed, and one said to be more accurate on the basis of experimental evidence.

- (C) Two hypotheses are described, the flaws inherent in one of them are elaborated, and experimental evidence confirming the other is cited.
- (D) An assertion that a species has adopted two different mechanisms to solve a particular problem is made, and evidence is then provided in support of that assertion.
- (E) An assertion that one mechanism for solving a particular problem is more efficient than another is made, and evidence is then provided in support of that assertion.

21. The passage provides information in support of which one of the following assertions?

- (A) The seemingly erratic motion exhibited by a microorganism can in fact reflect a mechanism by which it is able to control its movement.
- (B) Biologists often overstate the complexity of simple organisms such as bacteria.
- (C) A bacterium cannot normally retain a memory of a measurement of the concentration of an attractant.
- (D) Bacteria now appear to have less control over their movement than biologists had previously hypothesized.
- (E) Photosynthetic bacteria appear to have more control over their movement than do bacteria that are not photosynthetic.

Anthropologist David Mandelbaum makes a distinction between life-passage studies and life-history studies which emerged primarily out of research concerning Native Americans. Life-passage studies, he says, "emphasize the requirements of society, showing how groups socialize and enculturate their young in order to make them into viable members of society." Life histories, however, "emphasize the experiences and requirements of the individual, how the person copes with society rather than how society copes with the stream of individuals." Life-passage studies bring out the general cultural characteristics and commonalities that broadly define a culture, but are unconcerned with an individual's choices or how the individual perceives and responds to the demands and expectations imposed by the constraints of his or her culture. This distinction can clearly be seen in the autobiographies of Native American women.

For example, some early recorded autobiographies, such as *The Autobiography of a Fox Indian Woman*, a life passage recorded by anthropologist Truman Michelson, emphasizes prescribed roles. The narrator presents her story in a way that conforms with tribal expectations. Michelson's work is valuable as ethnography, as a reflection of the day-to-day responsibilities of Mesquakie women, yet as is often the case with life-passage studies, it presents little of the central character's psychological motivation. The Fox woman's life story focuses on her tribal education and integration into the ways of her people, and relates only what Michelson ultimately decided was worth preserving. The difference between the two types of studies is often the result of the amount of control the narrator maintains over the material;

autobiographies in which there are no recorder-editors are far more reflective of the life-history category, for there are no outsiders shaping the story to reflect their preconceived notions of what the general cultural patterns are.

For example, in Maria Campbell's account of growing up as a Canadian Metis who was influenced strongly, and often negatively, by the non-Native American world around her, one learns a great deal about the life of Native American women, but Campbell's individual story, which is told to us directly, is always the center of her narrative. Clearly it is important to her to communicate to the audience what her experiences as a Native American have been. Through Campbell's story of her family the reader learns of the effect of poverty and prejudice on a people. The reader becomes an intimate of Campbell the writer, sharing her pain and celebrating her small victories. Although Campbell's book is written as a life history (the dramatic moments, the frustrations, and the fears are clearly hers), it reveals much about ethnic relations in Canada while reflecting the period in which it was written.

22. Which one of the following is the most accurate expression of the main point of the passage?
- (A) The contributions of life-history studies to anthropology have made life-passage studies obsolete.
  - (B) Despite their dissimilar approaches to the study of culture, life-history and life-passage studies have similar goals.
  - (C) The autobiographies of Native American women illustrate the differences between life-history and life-passage studies.
  - (D) The roots of Maria Campbell's autobiography can be traced to earlier narratives such as *The Autobiography of a Fox Indian Woman*.
  - (E) Despite its shortcomings, the life-passage study is a more effective tool than the life-history study for identifying important cultural patterns.
23. The term "prescribed roles" in line 24 of the passage refers to the
- (A) Function of life-passage studies in helping ethnologists to understand cultural tradition.
  - (B) Function of life-history studies in helping ethnologists to gather information.
  - (C) Way in which a subject of a life passage views himself or herself.
  - (D) Roles clearly distinguishing the narrator of an autobiography from the recorder of an autobiography.
  - (E) Roles generally adopted by individuals in order to comply with cultural demands.
24. The reference to the "psychological motivation" (line 30) of the subject of *The Autobiography of a Fox Indian Woman* serves primarily to
- (A) Dismiss as irrelevant the personal perspective in the life-history study.
  - (B) Identify an aspect of experience that is not commonly a major focus of life-passage studies.
  - (C) Clarify the narrator's self-acknowledged purpose in relating a life passage.

- (D) Suggest a common conflict between the goals of the narrator and those of the recorder in most life-passage studies.
- (E) Assert that developing an understanding of an individual's psychological motivation usually undermines objective ethnography.
25. Which one of the following statements about Maria Campbell can be inferred from material in the passage?
- (A) She was familiar with the very early history of her tribe but lacked insight into the motivations of non-Native Americans.
- (B) She was unfamiliar with Michelson's work but had probably read a number of life-passage studies about Native Americans.
- (C) She had training as a historian but was not qualified as an anthropologist.
- (D) Her family influenced her beliefs and opinions more than the events of her time did.
- (E) Her life history provides more than a record of her personal experience.
26. According to the passage, one way in which life history studies differ from life-passage studies is that life-history studies are
- (A) Usually told in the subject's native language.
- (B) Less reliable because they rely solely on the subject's recall.
- (C) More likely to be told without the influence of an intermediary.
- (D) More creative in the way they interpret the subject's cultural legacy.
- (E) More representative of the historian's point of view than of the ethnographer's.
27. Which one of the following pairings best illustrates the contrast between life passages and life histories?
- (A) A study of the attitudes of a society toward a mainstream religion and an analysis of techniques used to instruct members of that religious group.
- (B) A study of how a preindustrial society maintains peace with neighboring societies and a study of how a postindustrial society does the same.
- (C) A study of the way a military organization establishes and maintains discipline and a newly enlisted soldier's narrative describing his initial responses to the military environment.
- (D) An analysis of a society's means of subsistence and a study of how its members celebrate religious holidays.
- (E) A political history of a society focusing on leaders and parties and a study of how the electorate shaped the political landscape of the society.

**LSAT 05 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.*

Until recently many astronomers believed that asteroids travel about the solar system unaccompanied by satellites. These astronomers assumed this because they considered asteroid-satellite systems inherently unstable. Theoreticians could have told them otherwise: even minuscule bodies in the solar system can theoretically have satellites, as long as everything is in proper scale. If a bowling ball were orbiting about the Sun in the asteroid belt, it could have a pebble orbiting it as far away as a few hundred radii (or about 50 meters) without losing the pebble to the Sun's gravitational pull.

Observations now suggest that asteroid satellites may exist not only in theory but also in reality. Several astronomers have noticed, while watching asteroids pass briefly in front of stars, that something besides the known asteroid sometimes **blocks out** the star as well. Is that something a satellite?

The most convincing such report concerns the asteroid Herculina, which was due to pass in front of a star in 1978. Astronomers waiting for the predicted event found not just one occultation, or eclipse, of the star, but two distinct drops in brightness. One was the predicted occultation, exactly on time. The other, lasting about five seconds, preceded the predicted event by about two minutes. The presence of a secondary body near Herculina thus seemed strongly indicated. To cause the secondary occultation, an unseen satellite would have to be about 45 kilometers in diameter, a quarter of the size of Herculina, and at a distance of 990 kilometers from the asteroid at the time. These values are within theoretical bounds, and such an asteroid-satellite pair could be stable.

With the Herculina event, apparent secondary occultations became "respectable"—and more commonly reported. In fact, so common did reports of secondary events become that they are now simply too numerous for all of them to be accurate. Even if every asteroid has as many satellites as can be fitted around it without an undue number of collisions, only one in every hundred primary occultations would be accompanied by a secondary event (one in every thousand if asteroid satellites system resembled those of the planets).

Yet even astronomers who find the case for asteroid satellites unconvincing at present say they would change their minds if a photoelectric record were made of a well-behaved secondary event. By "well-behaved" they mean that during occultation the observed brightness must drop sharply as the star **winks out** and must rise sharply as it reappears from behind the obstructing object, but the brightness during the secondary occultation must drop to that of the asteroid, no higher and no lower. This would make it extremely unlikely that an airplane or a glitch in the instruments was masquerading as an occulting body.

1. Which one of the following best expresses the main idea of the passage?
  - (A) The observation of Herculina represented the crucial event that astronomical observers and theoreticians had been waiting for to establish a convincing case for the stability of asteroid-satellite systems.
  - (B) Although astronomers long believed that observation supports the existence of stable asteroid-satellite systems, numerous recent reports have increased



- skepticism on this issue in astronomy.
- (C) Theoreticians' views on the stability of asteroid-satellite systems may be revised in the light of reports like those about Herculina.
- (D) Astronomers continue to consider it respectable to doubt the stability of asteroid-satellite systems, but new theoretical developments may change their views.
- (E) The Herculina event suggests that theoreticians' views about asteroid-satellite systems may be correct, and astronomers agree about the kind of evidence needed to clearly resolve the issue.
2. Which one of the following is mentioned in the passage as providing evidence that Herculina has a satellite?
- (A) the diameter of a body directly observed near Herculina
- (B) the distance between Herculina and planet nearest to it
- (C) the shortest possible time in which satellites of Herculina, if any, could complete a single orbit
- (D) the occultation that occurred shortly before the predicted occultation by Herculina
- (E) the precise extent to which observed brightness dropped during the occultation by Herculina
3. According to the passage, the attitude of astronomers toward asteroid satellites since the Herculina event can best be described as
- (A) open-mindedness combined with a concern for rigorous standards of proof
- (B) contempt for and impatience with the position held by theoreticians
- (C) bemusement at a chaotic mix of theory, inadequate or spurious data, and calls for scientific rigor
- (D) hardheaded skepticism, implying rejection of all data not recorded automatically by state-of-the-art instruments
- (E) admiration for the methodical process by which science progresses from initial hypothesis to incontrovertible proof
4. The author implies that which one of the following was true prior to reports of the Herculina event?
- (A) Since no good theoretical model existed, all claims that reports of secondary occultations were common were disputed.
- (B) Some of the reported observations of secondary occultations were actually observations of collisions of satellites with one another.
- (C) If there were observations of phenomena exactly like the phenomena now labeled secondary occultations, astronomers were less likely than to have reported such observations.
- (D) The prevailing standards concerning what to classify as a well-behaved

secondary event were less stringent than they are now.

- (E) Astronomers were eager to publish their observations of occultations of stars by satellites of asteroids.
5. The information presented in the passage implies which one of the following about the frequency of reports of secondary occultations after the Herculina event?
- (A) The percentage of reports of primary occultations that also included reports of secondary occultations increased tenfold compared to the time before the Herculina event.
- (B) Primary occultations by asteroids were reported to have been accompanied by secondary occultations in about one out of every thousand cases.
- (C) The absolute number of reports of secondary occultations increased tenfold compared to the time before the Herculina event.
- (D) Primary occultations by asteroids were reported to have been accompanied by secondary occultations in more than one out of every hundred cases.
- (E) In more than one out of every hundred cases, primary occultations were reported to have been accompanied by more than one secondary occultation.
6. The primary purpose of the passage is to
- (A) cast doubts on existing reports of secondary occultations of stars
- (B) describe experimental efforts by astronomers to separate theoretically believable observations of satellites of asteroids from spurious ones
- (C) review the development of ideas among astronomers about whether or not satellites of asteroids exist
- (D) bring a theoretician's perspective to bear on an incomplete discussion of satellites of asteroids
- (E) illustrate the limits of reasonable speculation concerning the occultation of stars
7. The passage suggests that which one of the following would most help to resolve the question of whether asteroids have satellites?
- (A) a review of pre-1978 reports of secondary occultations
- (B) an improved theoretical model of stable satellite systems
- (C) a photoelectric record of a well-behaved secondary occultation
- (D) a more stringent definition of what constitutes a well-behaved secondary occultation
- (E) a powerful telescope that would permit a comparison of ground-based observation with those made from airplanes

Historians attempting to explain how scientific work was done in the laboratory of the seventeenth-century chemist and natural philosopher Robert Boyle must address a fundamental discrepancy between how such experimentation was actually performed and the

seventeenth-century rhetoric describing it. Leaders of the new Royal Society of London in the 1660s insisted that authentic science depended upon actual experiments performed, observed, and recorded by the scientists themselves. Rejecting the traditional contempt for manual operations, these scientists, all members of the English upper class, were not to think themselves demeaned by the mucking about with chemicals, furnaces, and pumps; rather, the willingness of each of them to become, as Boyle himself said, a mere “drudge” and “under-builder” in the search for God’s truth in nature was taken as a sign of their nobility and Christian piety.

This rhetoric has been so effective that one modern historian assures us that Boyle himself actually performed all of the thousand or more experiments he reported. In fact, due to poor eyesight, fragile health, and frequent absences from his laboratory, Boyle turned over much of the labor of obtaining and recording experimental results to paid technicians, although published accounts of the experiments rarely, if ever, acknowledged the technicians’ contributions. Nor was Boyle unique in relying on technicians without publicly crediting their work.

Why were the contributions of these technicians not recognized by their employers? One reason is the historical tendency, which has persisted into the twentieth century, to view scientific discovery as resulting from momentary flashes of individual insight rather than from extended periods of cooperative work by individuals with varying levels of knowledge and skill. Moreover, despite the clamor of seventeenth-century scientific rhetoric commending a hands-on approach, science was still overwhelmingly an activity of the English upper class, and the traditional contempt that genteel society maintained for manual labor was pervasive and deeply rooted. Finally, all of Boyle’s technicians were “servants,” which in seventeenth-century usage meant anyone who worked for pay. To seventeenth-century sensibilities, the wage relationship was charged with political significance. Servants, meaning wage earners, were excluded from the franchise because they were perceived as ultimately dependent on their wages and thus controlled by the will of their employers. Technicians remained invisible in the political economy of science for the same reasons that underlay servants’ general political exclusion. The technicians’ contribution, their observations and judgment, if acknowledged, would not have been perceived in the larger scientific community as objective because the technicians were dependent on the wages paid to them by their employers. Servants might have made the apparatus work, but their contributions to the making of scientific knowledge were largely—and conveniently—ignored by their employers.

8. Which one of the following best summarizes the main idea of the passage?
- (A) Seventeenth-century scientific experimentation would have been impossible without the work of paid laboratory technicians.
  - (B) Seventeenth-century social conventions prohibited upper-class laboratory workers from taking public credit for their work.
  - (C) Seventeenth-century views of scientific discovery combined with social class distinctions to ensure that laboratory technicians’ scientific work was never publicly acknowledged.
  - (D) Seventeenth-century scientists were far more dependent on their laboratory technicians than are scientists today, yet far less willing to acknowledge

- technicians' scientific contributions.
- (E) Seventeenth-century scientists liberated themselves from the stigma attached to manual labor by relying heavily on the work of laboratory technicians.
9. It can be inferred from the passage that the "seventeenth-century rhetoric" mentioned in line 6 would have more accurately described the experimentation performed in Boyle's laboratory if which one of the following were true?
- (A) Unlike many seventeenth-century scientists, Boyle recognized that most scientific discoveries resulted from the cooperative efforts of many individuals.
- (B) Unlike many seventeenth-century scientists, Boyle maintained a deeply rooted and pervasive contempt for manual labor.
- (C) Unlike many seventeenth-century scientists, Boyle was a member of the Royal Society of London.
- (D) Boyle generously acknowledged the contribution of the technicians who worked in his laboratory.
- (E) Boyle himself performed the actual labor of obtaining and recording experimental results.
10. According to the author, servants of seventeenth-century England were excluded from the franchise because of the belief that
- (A) their interests were adequately represented by their employers
- (B) their education was inadequate to make informed political decisions
- (C) the independence of their political judgment would be compromised by their economic dependence on their employers
- (D) their participation in the elections would be a polarizing influence on the political process
- (E) the manual labor that they performed did not constitute a contribution to the society that was sufficient to justify their participation in elections
11. According to the author, the Royal Society of London insisted that scientists abandon the
- (A) belief that the primary purpose of scientific discovery was to reveal the divine truth that could be found in nature
- (B) view that scientific knowledge results largely from the insights of a few brilliant individuals rather than from the cooperative efforts of many workers
- (C) seventeenth-century belief that servants should be denied the right to vote because they were dependent on wages paid to them by their employers
- (D) traditional disdain for manual labor that was maintained by most members of the English upper class during the seventeenth-century
- (E) idea that the search for scientific truth was a sign of piety
12. The author implies that which one of the following beliefs was held in both the

- seventeenth and the twentieth centuries?
- (A) Individual insights rather than cooperative endeavors produce most scientific discoveries.
  - (B) How science is practiced is significantly influenced by the political beliefs and assumption of scientists.
  - (C) Scientific research undertaken for pay cannot be considered objective.
  - (D) Scientific discovery can reveal divine truth in nature.
  - (E) Scientific discovery often relies on the unacknowledged contributions of laboratory technicians.
13. Which one of the following best describes the organization of the last paragraph?
- (A) Several alternative answers are presented to a question posed in the previous paragraph, and the last is adopted as the most plausible.
  - (B) A question regarding the cause of the phenomenon described in the previous paragraph is posed, two possible explanations are rejected, and evidence is provided in support of a third.
  - (C) A question regarding the phenomenon described in the previous paragraph is posed, and several incompatible views are presented.
  - (D) A question regarding the cause of the phenomenon described in the previous paragraph is posed, and several contributing factors are then discussed.
  - (E) Several answers to a question are evaluated in light of recent discoveries cited earlier in the passage.
14. The author's discussion of the political significance of the "wage relationship" (line 48) serves to
- (A) place the failure of seventeenth-century scientists to acknowledge the contributions of their technicians in the large context of relations between workers and their employers in seventeenth-century England
  - (B) provide evidence in support of the author's more general thesis regarding the relationship of scientific discovery to the economic conditions of societies in which it takes place
  - (C) provide evidence in support of the author's explanation of why scientists in seventeenth-century England were reluctant to rely on their technicians for the performance of anything but the most menial tasks
  - (D) illustrate political and economic changes in the society of seventeenth-century England that had a profound impact on how scientific research was conducted
  - (E) undermine the view that scientific discovery results from individual enterprise rather than from the collective endeavor of many workers
15. It can be inferred from the passage that "the clamor of seventeenth-century scientific rhetoric" (lines 39-40) refers to
- (A) the claim that scientific discovery results largely from the insights of brilliant

individuals working alone

- (B) ridicule of scientists who were members of the English upper class and who were thought to demean themselves by engaging in the manual labor required by their experiments
- (C) criticism of scientists who publicly acknowledged the contributions of their technicians
- (D) assertions by members of the Royal Society of London that scientists themselves should be responsible for obtaining and recording experimental results
- (E) the claim by Boyle and his colleagues that the primary reason for scientific research is to discover evidence of divine truth in the natural world

One type of violation of the antitrust laws is the abuse of monopoly power. Monopoly power is the ability of a firm to raise its prices above the competitive level—that is, above the level that would exist naturally if several firms had to compete—without driving away so many customers as to make the price increase unprofitable. In order to show that a firm has abused monopoly power, and thereby violated the antitrust laws, two essential facts must be established. First, a firm must be shown to possess monopoly power, and second, that power must have been used to exclude competition in the monopolized market or related markets.

The price a firm may charge for its product is constrained by the availability of close substitutes for the product. If a firm attempts to charge a higher price—a supracompetitive price—consumers will turn to other firms able to supply substitute products at competitive prices. If a firm provides a large percentage of the products actually or potentially available, however, customers may find it difficult to buy from alternative suppliers. Consequently, a firm with a large share of the relevant market of substitutable products may be able to raise its price without losing many customers. For this reason courts often use market share as a rough indicator of monopoly power.

Supracompetitive prices are associated with a loss of consumers' welfare because such prices force some consumers to buy a less attractive mix of products than they would ordinarily buy. Supracompetitive prices, however, do not themselves constitute an abuse of monopoly power. Antitrust laws do not attempt to counter the mere existence of monopoly power, or even the use of monopoly power to extract extraordinarily high profits. For example, a firm enjoying economies of scale—that is, low unit production costs due to high volume—does not violate the antitrust laws when it obtains a large market share by charging prices that are profitable but so low that its smaller rivals cannot survive. If the antitrust laws posed disincentives to the existence and growth of such firms, the laws could impair consumers' welfare. Even if the firm, upon acquiring monopoly power, chose to raise prices in order to increase profits, it would not be in violation of the antitrust laws.

The antitrust prohibitions focus instead on abuses of monopoly power that exclude competition in the monopolized market or involve leverage—the use of power in one market to reduce competition in another. One such forbidden practice is a tying arrangement, in which a monopolist conditions the sale of a product in one market on the buyer's purchase of another product in a different market. For example, a firm enjoying a monopoly in the communications systems market might not sell its products to a consumer unless that customer also buys its



computer systems, which are competing with other firms' computer systems.

The focus on the abuse of monopoly power, rather than on monopoly itself, follows from the primary purpose of the antitrust laws: to promote consumers' welfare through assurance of the quality and quantity of products available to consumers.

16. Which one of the following distinctions between monopoly power and the abuse of monopoly power would the author say underlies the antitrust laws discussed in the passage?
- (A) Monopoly power is assessed in term of market share, whereas abuse of monopoly power is assessed in term of market control.
  - (B) Monopoly power is easy to demonstrate, whereas abuse of monopoly power is difficult to demonstrate.
  - (C) Monopoly power involves only one market, whereas abuse of monopoly power involves at least two or more related markets.
  - (D) Monopoly power is the ability to charge supracompetitive prices, whereas abuse of monopoly power is the use of that ability.
  - (E) Monopoly power does not necessarily hurt consumer welfare, whereas abuse of monopoly power does.
17. Would the use of leverage meet the criteria for abuse of monopoly power outlined in the first paragraph?
- (A) No, because leverage involves a nonmonopolized market.
  - (B) No, unless the leverage involves a tying arrangement.
  - (C) Yes, because leverage is a characteristic of monopoly power.
  - (D) Yes, unless the firm using leverage is charging competitive prices.
  - (E) Yes, because leverage is used to eliminate competition in a related market.
18. What is the main purpose of the third paragraph (lines 28—47)?
- (A) to distinguish between supracompetitive prices and supracompetitive profits
  - (B) to describe the positive use of monopoly power
  - (C) to introduce the concept of economies of scale
  - (D) to distinguish what is not covered by the antitrust law under discussion from what is covered
  - (E) to remind the reader of the issue of consumers welfare
19. Given only the information in the passage, with which one of the following statements about competition would those responsible for the antitrust laws most likely agree?
- (A) Competition is essential to consumers' welfare.
  - (B) There are acceptable and unacceptable ways for firms to reduce their competition.
  - (C) The preservation of competition is the principal aim of the antitrust laws.

- (D) Supracompetitive prices lead to reductions in competition.
- (E) Competition is necessary to ensure high-quality products at low prices.
20. Which one of the following sentences would best complete the last paragraph of the passage?
- (A) By limiting consumers' choices, abuse of monopoly power reduces consumers' welfare, but monopoly alone can sometimes actually operate in the consumers' best interest.
- (B) What is needed now is a set of related laws to deal with the negative impacts that monopoly itself has on consumers' ability to purchase products at reasonable cost.
- (C) Over time, the antitrust laws have been very effective in ensuring competition and, consequently, consumers' welfare in the volatile communications and computer systems industries.
- (D) By controlling supracompetitive prices and corresponding supracompetitive profits, the antitrust laws have, indeed, gone a long way toward meeting that objective.
- (E) As noted above, the necessary restraints on monopoly itself have been left to the market, where competitive prices and economies of scale are rewarded through increased market share.

Amsden has divided Navajo weaving into four distinct styles. He argues that three of them can be identified by the type of design used to form horizontal bands: colored strips, zigzags, or diamonds. The fourth, or bordered, style he identifies by a distinct border surrounding centrally placed, dominating figures.

Amsden believes that the diamond style appeared after 1869 when, under Anglo influence and encouragement, the blanket became a rug with larger designs and bolder lines. The bordered style appeared about 1890, and, Amsden argues, it reflects the greatest number of Anglo influences on the newly emerging rug business. The Anglo desire that anything with a graphic designs have a top, bottom, and border is a cultural preference that the Navajo abhorred, as evidenced, he suggests, by the fact that in early bordered specimens strips of color unexpectedly break through the enclosing pattern.

Amsden argues that the bordered rug represents a radical break with previous styles. He asserts that the border changed the artistic problem facing weavers: a blank area suggests the use of isolated figures, while traditional, banded Navajo designs were continuous and did not use isolated figures. The old patterns alternated horizontal decorative zones in a regular order.

Amsden's view raises several questions. First, what is involved in altering artistic styles? Some studies suggest that artisans' motor habits and thought processes must be revised when a style changes precipitously. In the evolution of Navajo weaving, however, no radical revisions in the way articles are produced need be assumed. After all, all weaving subordinates design to the physical limitations created by the process of weaving, which includes creating an edge or border. The habits required to make decorative borders are, therefore, latent and easily brought to the surface.

Second, is the relationship between the banded and bordered styles as simple as Amsden suggests? He assumes that a break in style is a break in psychology. But if style results from constant quests for invention, such stylistic breaks are inevitable. When a style has exhausted the possibilities inherent in its principles, artists **cast about** for new, but not necessarily alien, principles. Navajo weaving may have reached this turning point prior to 1890.

Third, is there really a significant stylistic gap? Two other styles lie between the banded styles and the bordered styles. They suggest that disintegration of the bands may have altered visual and motor habits and prepared the way for a border filled with separate units. In the Chief White Antelope blanket, dated prior to 1865, ten years before the first Anglo trading post on the Navajo reservation, whole and partial diamonds interrupt the flowing design and become separate forms. Parts of diamonds arranged vertically at each side may be seen to anticipate the border.

21. The author's central thesis is that
- (A) the Navajo rejected the stylistic influences of Anglo culture
  - (B) Navajo weaving cannot be classified by Amsden's categories
  - (C) the Navajo changed their style of weaving because they sought the challenge of new artistic problems
  - (D) original motor habits and thought processes limit the extent to which a style can be revised
  - (E) the casual factors leading to the emergence of the bordered style are not as clear-cut as Amsden suggests
22. It can be inferred from the passage that Amsden views the use of "strips of color" (line 18) in the early bordered style as
- (A) a sign of resistance to a change in style
  - (B) an echo of the diamond style
  - (C) a feature derived from Anglo culture
  - (D) an attempt to disintegrate the rigid form of the banded style
  - (E) a means of differentiating the top of the weaving from the bottom
23. The author's view of Navajo weaving suggests which one of the following?
- (A) The appearance of the first trading post on the Navajo reservation coincided with the appearance of the diamond style.
  - (B) Traces of thought processes and motor habits of one culture can generally be found in the art of another culture occupying the same period and region.
  - (C) The bordered style may have developed gradually from the banded style as a result of Navajo experiencing with design.
  - (D) The influence of Anglo culture was not the only non-Native American influence on Navajo weaving.
  - (E) Horizontal and vertical rows of diamond forms were transformed by the Navajos into solid lines to create the bordered style.

24. According to the passage, Navajo weavings made prior to 1890 typically were characterized by all of the following EXCEPT
- (A) repetition of forms
  - (B) overall patterns
  - (C) horizontal bands
  - (D) isolated figures
  - (E) use of color
25. The author would most probably agree with which one of the following conclusions about the stylistic development of Navajo weaving?
- (A) The styles of Navajo weaving changed in response to changes in Navajo motor habits and thought processes.
  - (B) The zigzag style was the result of stylistic influences from Anglo culture.
  - (C) Navajo weaving used isolated figures in the beginning, but combined naturalistic and abstract designs in later styles.
  - (D) Navajo weaving changed gradually from a style in which the entire surface was covered by horizontal bands to one in which central figures dominated the surface.
  - (E) The styles of Navajo weaving always contained some type of isolated figure.
26. The author suggests that Amsden's claim that borders in Navajo weaving were inspired by Anglo culture could be
- (A) conceived as a response to imagined correspondences between Anglo and Navajo art
  - (B) biased by Amsden's feelings about Anglo culture
  - (C) a result of Amsden's failing to take into account certain aspects of Navajo weaving
  - (D) based on a limited number of specimens of the styles of Navajo weaving
  - (E) based on a confusion between the stylistic features of the zigzag and diamond styles
27. The author most probably mentions the Chief White Antelope blanket in order to
- (A) establish the credit influence of Anglo culture on the bordered style
  - (B) cast doubts on the claim that the bordered style arose primarily from Anglo influence
  - (C) cite an example of a blanket with a central design and no border
  - (D) suggest that the Anglo influence produced significant changes in the two earliest styles of Navajo weaving
  - (E) illustrate how the Navajo had exhausted the stylistic possibilities of the diamond style
28. The passage is primarily concerned with

- (A) comparing and contrasting different styles
- (B) questioning a view of how a style came into being
- (C) proposing alternative methods of investigating the evolution of styles
- (D) discussing the influence of one culture on another
- (E) analyzing the effect of the interaction between two different cultures

### **LSAT 06 SECTION I**

**Time 35 minutes 27 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 Taft-Hartley Act, passed by the United States Congress in 1947, gave states the power to enact “right-to-work” legislation that prohibits **union shop** agreements. According to such an agreement, a labor union negotiates wages and working conditions for all workers in a business, and all workers are required to belong to the union. Since 1947, 20 states have adopted right-to-work laws. Much of the literature concerning right-to-work laws implies that such legislation has not actually had a significant impact. This point of view, however, has not gone uncriticized. Thomas V Carroll has proposed that the conclusions drawn by previous researchers are attributable to their myopic focus on the premise that, unless right-to-work laws significantly reduce union membership within a state, they have no effect. Carroll argues that the right-to-work laws “do matter” in that such laws generate differences in real wages across states. Specifically, Carroll indicates that while right-to-work laws may not “destroy” unions by reducing the absolute number of unionized workers, they do impede the spread of unions and thereby reduce wages within right-to-work states. Because the countervailing power of unions is weakened in right-to-work states, manufacturers and their suppliers can act cohesively in competitive labor markets, thus lowering wages in the affected industries.

Such a finding has important implications regarding the demographics of employment and wages in right-to-work states. Specifically, if right-to-work laws lower wages by weakening union power, minority workers can be expected to suffer a relatively greater economic disadvantage in right-to-work states than in union shop states. This is so because, contrary to what was once thought, unions tend to have a significant positive impact on the economic position of minority workers, especially Black workers, relative to White workers. Most studies concerned with the impact of unionism on the Black worker’s economic position relative to the White worker’s have concentrated on the changes in Black wages due to union membership. That is, they have concentrated on union *versus* nonunion groups. In a pioneering study, however, Ashenfelter finds that these studies overlook an important fact: although craft unionism increases the differential between the wages of White workers and Black workers due to the traditional exclusion of minority workers from unions in the craft sectors of the labor market, strong positive wage gains are made by Black workers within industrial unions. In fact, Ashenfelter estimates that industrial unionism decreases the differential between the wages of Black workers and White workers by about 3 percent. If state right-to-work laws weaken the

economic power of unions to raise wages, Black workers will experience a disproportionate decline in their relative wage positions. Black workers in right-to-work states would therefore experience a decline in their relative economic positions unless there is strong economic growth in right-to-work states, creating labor shortages and thereby driving up wages.

1. The reasoning behind the “literature” (line 9), as that reasoning is presented in the passage, is most analogous to the reasoning behind which one of the following situations?
  - (A) A law is proposed that benefits many but disadvantages a few: those advocating passage of the law argue that the disadvantages to few are not so serious that the benefits should be denied to many.
  - (B) A new tax on certain categories of consumer items is proposed: those in favor of the tax argue that those affected by the tax are well able to pay it, since the items taxed are luxury items.
  - (C) A college sets strict course requirements that every student must complete before graduating; students already enrolled argue that it is unfair for the new requirements to apply to those enrolled before the change.
  - (D) The personnel office of a company designs a promotions become effective on January 1: the managers protest that such a policy means that they cannot respond fast enough to changes in staffing needs.
  - (E) A fare increase in a public transportation system does not significantly reduce the number of fares sold: the management of the public transportation system asserts, therefore, that the fare hike has had no negative effects.
2. According to the passage, which one of the following is true of Carroll’s study?
  - (A) It implies that right-to-work laws have had a negligible effect on workers in right-to-work states.
  - (B) It demonstrates that right-to-work laws have significantly decreased union membership from what it once was in right-to-work states.
  - (C) It argues that right-to-work laws have affected wages in right-to-work states.
  - (D) It supports the findings of most earlier researchers.
  - (E) It explains the mechanisms by which collusion between manufacturers and suppliers is accomplished.
3. It can be inferred from the passage that the author believes which one of following about craft unions?
  - (A) Craft unions have been successful in ensuring that the wages of their members remain higher than the wages of nonunion workers in the same occupational groups.
  - (B) The number of minority workers joining craft unions has increased sharply in states that have not adopted right-to-work legislation.
  - (C) Wages for workers belonging to craft unions have generally risen faster and more steadily than wages for workers belonging to industrial unions.



- (D) The wages of workers belonging to craft unions have not been significantly affected by right-to-work legislation, although the wages of workers belonging to industrial unions have been negatively affected.
- (E) The wages of workers belonging to craft unions are more likely to be driven up in the event of labor shortages than are the wages of workers belonging to industrial unions.
4. Which one of the following best describes the effect industrial unionism has had on the wages of Black workers relative to those of White workers, as that effect is presented in the passage?
- (A) Prior to 1947, industrial unionism had little effect on the wages of Black workers relative to those of White workers: since 1947, it has had a slight positive effect.
- (B) Prior to 1947, industrial unionism had a strong positive effect on the wages of Black workers relative to those of White workers: since 1947, it has had little effect.
- (C) Prior to 1947, industrial unionism had a negative effect on the wages of Black workers relative to those of White workers: since 1947, it has had a significant positive effect.
- (D) Industrial unionism has contributed moderately to an increase in the wage differential between Black workers and White workers.
- (E) Industrial unionism has contributed strongly to a 3 percent decrease in the wage differential between Black workers and White workers.
5. According to the passage, which one of the following could counteract the effects of a decrease in unions' economic power to raise wages in right-to-work states?
- (A) a decrease in the number of union shop agreements
- (B) strong economic growth that creates labor shortages
- (C) a decrease in membership in craft unions
- (D) the merging of large industrial unions
- (E) a decline in the craft sectors of the labor market
6. Which one of the following best describes the passage as a whole?
- (A) an overview of a problem in research methodology and a recommended solution to that problem
- (B) a comparison of two competing theories and a suggestion for reconciling them
- (C) a critique of certain legislation and a proposal for modification of that legislation
- (D) a review of research that challenges the conclusions of earlier researchers
- (E) a presentation of a specific case that confirms the findings of an earlier study
- In the late nineteenth century, the need for women physicians in missionary hospitals in

Canton, China, led to expanded opportunities for both Western women and Chinese women. The presence of Western women as medical missionaries in China was made possible by certain changes within the Western missionary movement. Beginning in the 1870s, increasingly large numbers of women were forming women's foreign mission societies dedicated to the support of women's foreign mission work. Beyond giving the women who organized the societies a formal activity outside their home circles, these organizations enabled an increasing number of single women missionaries (as opposed to women who were part of the more typical husband-wife missionary teams) to work abroad. Before the formation of these women's organizations, mission funds had been collected by ministers and other church leaders, most of whom emphasized local parish work. What money was spent on foreign missions was under the control of exclusively male foreign mission boards whose members were uniformly uneasy about the new idea of sending single women out into the mission field. But as women's groups began raising impressive amounts of money donated specifically in support of single women missionaries, the home churches bowed both to women's changing roles at home and to increasing numbers of single professional missionary women abroad.

Although the idea of employing a woman physician was a daring one for most Western missionaries in China, the advantages of a well-trained Western woman physician could not be ignored by Canton mission hospital administrators. A woman physician could attend women patients without offending any of the accepted conventions of female modesty. Eventually, some of these women were able to found and head separate women's medical institutions, thereby gaining access to professional responsibilities far beyond those available to them at home.

These developments also led to the attainment of valuable training and status by a significant number of Chinese women. The presence of women physicians in Canton mission hospitals led many Chinese women to avail themselves of Western medicine who might otherwise have failed to do so because of their culture's emphasis on physical modesty. In order to provide enough women physicians for these patients, growing numbers of young Chinese women were given instruction in medicine. This enabled them to earn an independent income, something that was then largely unavailable to women within traditional Chinese society. Many women graduates were eventually able to go out on their own into private practice, freeing themselves of dependence upon the mission community.

The most important result of these opportunities was the establishment of clear evidence of women's abilities and strengths, clear reasons for affording women expanded opportunities, and clear role models for how these abilities and responsibilities might be exercised.

7. Which one of the following statements about Western women missionaries working abroad can be inferred from the passage?
- (A) There were very few women involved in foreign missionary work before the 1870s.
  - (B) Most women working abroad as missionaries before the 1870s were financed by women's foreign mission societies.
  - (C) Most women employed in mission hospitals abroad before the 1870s were trained as nurses rather than as physicians.

- (D) The majority of professional women missionaries working abroad before the 1870s were located in Canton, China.
- (E) Most women missionaries working abroad before the 1870s were married to men who were also missionaries.
8. The author mentions that most foreign mission boards were exclusively male most probably in order to
- (A) Contrast foreign mission boards with the boards of secular organizations sending aid to China.
- (B) Explain the policy of foreign mission boards toward training Chinese women in medicine.
- (C) Justify the preference of foreign mission boards for professionally qualified missionaries.
- (D) Help account for the attitude of foreign mission boards towards sending single women missionaries abroad.
- (E) Differentiate foreign mission boards from boards directing parish work at home.
9. Which one of the following best describes the organization of the passage?
- (A) A situation is described, conditions that brought about the situation are explained, and results of the situation are enumerated.
- (B) An assertion is made, statements supporting and refuting the assertion are examined, and a conclusion is drawn.
- (C) An obstacle is identified, a variety of possible ways to overcome the obstacle are presented, and an opinion is ventured.
- (D) A predicament is outlined, factors leading up to the predicament are scrutinized, and a tentative resolution of the predicament is recommended.
- (E) A development is analyzed, the drawbacks and advantages accompanying the development are contrasted, and an eventual outcome is predicted.
10. Which one of the following, if true, would most undermine the author's analysis of the reason for the increasing number of single women missionaries sent abroad beginning in the 1870s?
- (A) The Western church boards that sent the greatest number of single women missionaries abroad had not received any financial support from women's auxiliary groups.
- (B) The women who were sent abroad as missionary physicians had been raised in families with a strong history of missionary commitment.
- (C) Most of the single missionary women sent abroad were trained as teachers and translators rather than as medical practitioners.
- (D) The western church boards tended to send abroad single missionary women who had previously been active in local parish work.
- (E) None of the single missionary women who were sent abroad were active

members of foreign mission boards.

11. According to the passage, which one of the following was a factor in the acceptance of Western women as physicians in mission hospitals in Canton, China?
- (A) The number of male physicians practicing in that region.
  - (B) The specific women's foreign mission society that supplied the funding.
  - (C) The specific home parishes from which the missionary women came.
  - (D) The cultural conventions of the host society.
  - (E) The relations between the foreign mission boards and the hospital administrators.
12. The passage suggests which one of the following about medical practices in late-nineteenth-century Canton, China?
- (A) There was great suspicion of non-Chinese medical practices.
  - (B) Medical care was more often administered in the home than in hospitals.
  - (C) It was customary for women physicians to donate a portion of their income for the maintenance of their extended family.
  - (D) It was not customary for female patients to be treated by male physicians.
  - (E) Young women tended to be afforded as many educational opportunities in medicine as young men were.

In recent years the early music movement, which advocates performing a work as it was performed at the time of its composition, has taken on the character of a crusade, particularly as it has moved beyond the sphere of medieval and baroque music and into music from the late eighteenth and early nineteenth centuries by composers such as Mozart and Beethoven. Granted, knowledge about the experience of playing old music on now-obsolete instruments has been of inestimable value to scholars. Nevertheless, the early music approach to performance raises profound and troubling questions.

Early music advocates assume that composers write only for the instruments available to them, but evidence suggests that composers of Beethoven's stature imagined extraordinarily high and low notes as part of their compositions, even when they recognized that such notes could not be played on instruments available at the time. In the score of Beethoven's first piano concerto, there is a "wrong" note, a high F-natural where the melody obviously calls for a high F-sharp, but pianos did not have this high an F-sharp when Beethoven composed the concerto. Because Beethoven once expressed a desire to revise his early works to exploit the extended range of pianos that became available to him some years later, it seems likely that he would have played the F-sharp if given the opportunity. To use a piano exactly contemporary with the work's composition would require playing a note that was probably frustrating for Beethoven himself to have had to play.

In addition, early music advocates often inadvertently divorce music and its performance from the life of which they were, and are, a part. The discovery that Haydn's and Mozart's symphonies were conducted during their lifetimes by a pianist who played the chords to keep the orchestra together has given rise to early music recordings in which a piano can be heard

obtrusively in the foreground, despite evidence indicating that the orchestral piano was virtually inaudible to audiences at eighteenth-century concerts and was dropped as musically unnecessary when a better way to beat time was found. And although in the early nineteenth century the first three movements (sections) of Mozart's and Beethoven's symphonies were often played faster, and the last movement slower than today, this difference can readily be explained by the fact that at that time audiences applauded at the end of each movement, rather than withholding applause until the end of the entire work. As a result, musicians were not forced into extra brilliance in the finale in order to generate applause, as they are now. To restore the original tempo of these symphonies represents an irrational denial of the fact that our concepts of musical intensity and excitement have quite simply, changed.

13. It can be inferred from the passage that by “a piano exactly contemporary” (line 30) with the composition of Beethoven's first piano concerto, the author means the kind of piano that was
- (A) Designed to be inaudible to the audience when used by conductors of orchestras.
  - (B) Incapable of playing the high F-natural that is in the score of Beethoven's original version of the concerto.
  - (C) Unavailable to Mozart and Haydn.
  - (D) Incapable of playing the high F-sharp that the melody of the concerto calls for.
  - (E) Influential in Beethoven's decision to revise his early compositions.
14. Which one of the following best expresses the main idea of the passage?
- (A) The early music movement has yet to resolve a number of troubling questions regarding its approach to the performance of music.
  - (B) The early music movement, while largely successful in its approach to the performance of medieval and baroque music, has yet to justify its use of obsolete instruments in the performance of music by Beethoven and Mozart.
  - (C) The early music approach to performance often assumes that composers write music that is perfectly tailored to the limitations of the instruments on which it will be performed during their lifetimes.
  - (D) Although advocates of early music know much about the instruments used to perform music at the time it was composed, they lack information regarding how the style of such performances has changed since such music was written.
  - (E) The early music movement has not yet fully exploited the knowledge that it has gained from playing music on instruments available at the time such music was composed.
15. In the second paragraph, the author discusses Beethoven's first piano concerto primarily in order to
- (A) Illustrate how piano music began to change in response to the extended range of pianos that became available during Beethoven's lifetime.

- (B) Illustrate how Beethoven's work failed to anticipate the changes in the design of instruments that were about to be made during his lifetime.
  - (C) Suggest that early music advocates commonly perform music using scores that do not reflect revisions made to the music years after it was originally composed.
  - (D) Illustrate how composers like Beethoven sometimes composed music that called for notes that could not be played on instruments that were currently available.
  - (E) Provide an example of a piano composition that is especially amenable to being played on piano available at the time the music was composed.
16. The author suggests that the final movements of symphonies by Mozart and Beethoven might be played more slowly by today's orchestras if which one of the following were to occur?
- (A) Orchestras were to use instruments no more advanced in design than those used by orchestras at the time Mozart and Beethoven composed their symphonies.
  - (B) Audiences were to return to the custom of applauding at the end of each movement of a symphony.
  - (C) Audiences were to reserve their most enthusiastic applause for the most brilliantly played finales.
  - (D) Conductors were to return to the practice of playing the chords on an orchestral piano to keep the orchestra together.
  - (E) Conductors were to conduct the symphonies in the manner in which Beethoven and Mozart had conducted them.
17. Which one of the following best describes the organization of the last paragraph?
- (A) A generalization is made evidence undermining it is presented, and a conclusion rejecting it is then drawn.
  - (B) A criticism is stated and then elaborated with two supporting examples.
  - (C) An assumption is identified and then evidence undermining its validity is presented.
  - (D) An assumption is identified and then evidence frequently provided in support of it is then critically evaluated.
  - (E) Two specific cases are presented and then a conclusion regarding their significance is drawn.
18. It can be inferred from the passage that the author's explanation in lines 50-54 would be most weakened if which one of the following were true?
- (A) Musicians who perform in modern orchestras generally receive more extensive training than did their nineteenth-century counterparts.
  - (B) Breaks between the movements of symphonies performed during the early nineteenth century often lasted longer than they do today because



- nineteenth-century musicians needed to retune their instruments between each movement.
- (C) Early nineteenth-century orchestral musicians were generally as concerned with the audience's response to their music as are the musicians who perform today in modern orchestras.
- (D) Early nineteenth-century audience applauded only perfunctorily after the first three movements of symphonies and conventionally withheld their most enthusiastic applause until the final movement was completed.
- (E) Early nineteenth-century audiences were generally more knowledgeable about music than are their modern counterparts.
19. It can be inferred from the passage that the author would be most likely to agree with which one of the following assertions regarding the early music recordings mentioned in the third paragraph?
- (A) These recordings fail to recognize that the last movements of Haydn's and Mozart's symphonies were often played slower in the eighteenth century than they are played today.
- (B) These recordings betray the influence of baroque musical style on those early music advocates who have recently turned their attention to the music of Haydn and Mozart.
- (C) By making audible the sound of an orchestral piano that was inaudible in eighteenth century performances, these recordings attempt to achieve aesthetic integrity at the expense of historical authenticity.
- (D) By making audible the sound of an orchestral piano that was inaudible in eighteenth century performances, these recordings unwittingly create music that is unlike what eighteenth century audiences heard.
- (E) These recordings suggest that at least some advocates of early music recognize that concepts of musical intensity and excitement have changed since Haydn and Mozart composed their symphonies.
20. The author suggests that the modern audience's tendency to withhold applause until the end of a symphony's performance is primarily related to which one of the following?
- (A) The replacement of the orchestral piano as a method of keeping the orchestra together.
- (B) A gradual increase since the time of Mozart and Beethoven in audiences' expectations regarding the ability of orchestral musicians.
- (C) A change since the early nineteenth century in audiences' concepts of musical excitement and intensity.
- (D) A more sophisticated appreciation of the structural integrity of the symphony as a piece of music.
- (E) The tendency of orchestral musicians to employ their most brilliant effects in the early.

Although the United States steel industry faces widely publicized economic problems that have eroded its steel production capacity, not all branches of the industry have been equally affected. The steel industry is not monolithic: it includes integrated producers, minimills, and specialty-steel mills. The integrated producers start with iron ore and coal and produce a wide assortment of shaped steels. The minimills reprocess scrap steel into a limited range of low-quality products, such as reinforcing rods for concrete. The specialty-steel mills are similar to minimills in that they tend to be smaller than the integrated producers and are based on scrap, but they manufacture much more expensive products than minimills do and commonly have an active in-house research-and-development effort.

Both minimills and specialty-steel mills have succeeded in avoiding the worst of the economic difficulties that are afflicting integrated steel producers, and some of the mills are quite profitable. Both take advantage of new technology for refining and casting steel, such as continuous casting, as soon as it becomes available. The minimills concentrate on producing a narrow range of products for sale in their immediate geographic area, whereas specialty-steel mills preserve flexibility in their operations in order to fulfill a customer's particular specifications.

Among the factors that constrain the competitiveness of integrated producers are excessive labor, energy, and capital costs, as well as manufacturing inflexibility. Their equipment is old and less automated, and does not incorporate many of the latest refinement in steelmaking technology. (For example, only about half of the United States integrated producers have continuous casters, which combine pouring and rolling into one operation and thus save the cost of separate rolling equipment.) One might conclude that the older labor-intensive machinery still operating in United States integrated plants is at fault for the poor performance of the United States industry, but this cannot explain why Japanese integrated producers, who produce a higher-quality product using less energy and labor, are also experiencing economic trouble. The fact is that the common technological denominator of integrated producers is an inherently inefficient process that is still rooted in the nineteenth century.

Integrated producers have been unable to compete successfully with minimills because the minimills, like specialty-steel mills, have dispensed almost entirely with the archaic energy and capital-intensive front end of integrated steelmaking: the iron-smelting process, including the mining and preparation of the raw materials and the blast-furnace operation. In addition, minimills have found a profitable way to market steel products: as indicated above, they sell their finished products locally, thereby reducing transportation costs, and concentrate on a limited range of shapes and sizes within a narrow group of products that can be manufactured economically. For these reasons, minimills have been able to avoid the economic decline affecting integrated steel producers.

21. Which one of the following best expresses the main idea of the passage?
- (A) United States steel producers face economic problems that are shared by producers in other nations.
  - (B) Minimills are the most successful steel producers because they best meet market demands for cheap steel.

- (C) Minimills and specialty-steel mills are more economically competitive than integrated producers because they use new technology and avoid the costs of the iron-smelting process.
- (D) United States steel producers are experiencing an economic decline that can be traced back to the nineteenth century.
- (E) New steelmaking technologies such as continuous casting will replace blast-furnace operations to reverse the decline in United States steel production.
22. The author mentions all of the following as features of minimills EXCEPT
- (A) flexibility in their operations
- (B) local sale of their products
- (C) avoidance of mining operations
- (D) use of new steel-refining technology
- (E) a limited range of low-quality products
23. The author of the passage refers to “Japanese integrated producers” (line 43) primarily in order to support the view that
- (A) different economic difficulties face the steel industries of different nations
- (B) not all integrated producers share a common technological denominator
- (C) labor-intensive machinery cannot be blamed for the economic condition of United States integrated steel producers
- (D) modern steelmaking technology is generally labor- and energy-efficient
- (E) labor-intensive machinery is an economic burden on United States integrated steel producers
24. Which one of the following best describes the organization of the third paragraph?
- (A) A hypothesis is proposed and supported; then an opposing view is presented and criticized.
- (B) A debate is described and illustrated; then a contrast is made and the debate is resolved.
- (C) A dilemma is described and cited as evidence for a broader criticism.
- (D) A proposition is stated and argued, then rejected in favor of a more general statement, which is supported with additional evidence.
- (E) General statements are made and details given; then an explanation is proposed and rejected, and an alternative is offered.
25. It can be inferred from the passage that United States specialty-steel mills generally differ from integrated steel producers in that the specialty-steel mills
- (A) sell products in a restricted geographical area
- (B) share the economic troubles of the minimills

- (C) resemble specialty-steel mills found in Japan
  - (D) concentrate on producing a narrow range of products
  - (E) do not operate blast furnaces
26. Each of the following describes an industry facing a problem also experienced by United States integrated steel producers EXCEPT
- (A) a paper-manufacturing company that experiences difficulty in obtaining enough timber and other raw materials to meet its orders
  - (B) a food-canning plant whose canning machines must constantly be tended by human operators
  - (C) a textile firm that spends heavily on capital equipment and energy to process raw cotton before it is turned into fabric
  - (D) a window-glass manufacturer that is unable to produce quickly different varieties of glass with special features required by certain customers
  - (E) a leather-goods company whose hand-operated cutting and stitching machines were manufactured in Italy in the 1920s
27. Which one of the following, if true, would best serve as supporting evidence for the author's explanation of the economic condition of integrated steel producers?
- (A) Those nations that derive a larger percentage of their annual steel production from minimills than the United States does also have a smaller per capita trade deficit.
  - (B) Many integrated steel producers are as adept as the specialty-steel mills at producing high-quality products to meet customer specifications.
  - (C) Integrated steel producers in the United States are rapidly adopting the production methods of Japanese integrated producers.
  - (D) Integrated steel producers in the United States are now attempting to develop a worldwide market by advertising heavily.
  - (E) Those nations in which iron-smelting operations are carried out independently of steel production must heavily subsidize those operations in order to make them profitable.

**LSAT 07 SECTION III****Time 35 minutes 27 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 labor force is often organized as if workers had no family responsibilities. Preschool-age children need full-time care; children in primary school need care after school and during school vacations. Although day-care services can resolve some scheduling conflicts between home and office, workers cannot always find or afford suitable care. Even when they

obtain such care, parents must still cope with emergencies, such as illnesses, that keep children at home. Moreover, children need more than tending; they also need meaningful time with their parents. Conventional full-time workdays, especially when combined with unavoidable household duties, are too inflexible for parents with primary child-care responsibility.

Although a small but increasing number of working men are single parents, those barriers against successful participation in the labor market that are related to primary child-care responsibilities mainly disadvantage women. Even in families where both parents work, cultural pressures are traditionally much greater on mothers than on fathers to bear the primary child-rearing responsibilities.

In reconciling child-rearing responsibilities with participation in the labor market, many working mothers are forced to make compromises. For example, approximately one-third of all working mothers are employed only part-time, even though part-time jobs are dramatically underpaid and often less desirable in comparison to full-time employment. Even though part-time work is usually available only in occupations offering minimal employee responsibility and little opportunity for advancement or self-enrichment, such employment does allow many women the time and flexibility to fulfill their family duties, but only at the expense of the advantages associated with full-time employment.

Moreover, even mothers with full-time employment must compromise opportunities in order to adjust to barriers against parents in the labor market. Many choose jobs entailing little challenge or responsibility or those offering flexible scheduling, often available only in poorly paid positions, while other working mothers, although willing and able to assume as much responsibility as people without children, find that their need to spend regular and predictable time with their children inevitably causes them to lose career opportunities to those without such demands. Thus, women in education are more likely to become teachers than school administrators, whose more conventional full-time work schedules do not correspond to the schedules of school-age children, while female lawyers are more likely to practice law in trusts and estates, where they can control their work schedules, than in litigation, where they cannot. Nonprofessional women are concentrated in secretarial work and department store sales, where their absences can be covered easily by substitutes and where they can enter and leave the work force with little loss, since the jobs offer so little personal gain. Indeed, as long as the labor market remains hostile to parents, and family roles continue to be allocated on the basis of gender, women will be seriously disadvantaged in that labor market.

1. Which one of the following best summarizes the main idea of the passage?
  - (A) Current trends in the labor force indicate that working parents, especially women, may not always need to choose between occupational and child-care responsibilities.
  - (B) In order for mothers to have an equal opportunity for advancement in the labor force, traditional family roles have to be reexamined and revised.
  - (C) Although single parents who work have to balance parental and career demands, single mothers suffer resulting employment disadvantages that single fathers can almost always avoid.
  - (D) Although child-care responsibilities disadvantage many women in the labor

force, professional women (such as teachers and lawyers) are better able to overcome this problem than are nonprofessional women.

- (E) Traditional work schedules are too inflexible to accommodate the child-care responsibilities of many parents, a fact that severely disadvantages women in the labor force.
2. Which one of the following statements about part-time work can be inferred from the information presented in the passage?
- (A) One-third of all part-time workers are working mothers.
- (B) Part-time work generally offers fewer opportunities for advancement to working mothers than to women generally.
- (C) Part-time work, in addition to having relatively poor wages, often requires that employees work during holidays, when their children are out of school.
- (D) Part-time employment, despite its disadvantages, provides working mothers with an opportunity to address some of the demands of caring for children.
- (E) Many mothers with primary child-care responsibility choose part-time jobs in order to better exploit full-time career opportunities after their children are grown.
3. It can be inferred from the passage that the author would be most likely to agree with which one of the following statements about working fathers in two-parent families?
- (A) They are equally burdened by the employment disadvantages placed upon all parents—male and female—in the labor market.
- (B) They are so absorbed in their jobs that they often do not see the injustice going on around them.
- (C) They are shielded by the traditional allocation of family roles from many of the pressures associated with child-rearing responsibilities.
- (D) They help compound the inequities in the labor market by keeping women from competing with men for career opportunities.
- (E) They are responsible for many of the problems of working mothers because of their insistence on traditional roles in the family.
4. Of the following, which one would the author most likely say is the most troublesome barrier facing working parents with primary child-care responsibility?
- (A) the lack of full-time jobs open to women
- (B) the inflexibility of work schedules
- (C) the low wages of part-time employment
- (D) the limited advancement opportunities for nonprofessional employees
- (E) the practice of allocating responsibilities in the workplace on the basis of gender



5. The passage suggests that day care is at best a limited solution to the pressures associated with child rearing for all of the following reasons EXCEPT:
- (A) Even the best day care available cannot guarantee that children will have meaningful time with their parents.
  - (B) Some parents cannot afford day-care services.
  - (C) Working parents sometimes have difficulty finding suitable day care for their children.
  - (D) Parents who send their children to day care still need to provide care for their children during vacations.
  - (E) Even children who are in day care may have to stay home when they are sick.
6. According to the passage, many working parents may be forced to make any of the following types of career decisions EXCEPT
- (A) declining professional positions for nonprofessional ones, which typically have less conventional work schedules
  - (B) accepting part-time employment rather than full-time employment
  - (C) taking jobs with limited responsibility, and thus more limited career opportunities, in order to have a more flexible schedule
  - (D) pursuing career specializations that allow them to control their work schedules instead of pursuing a more desirable specialization in the same field
  - (E) limiting the career potential of one parent, often the mother, who assumes greater child-care responsibility
7. Which one of the following statements would most appropriately continue the discussion at the end of the passage?
- (A) At the same time, most men will remain better able to enjoy the career and salary opportunities offered by the labor market.
  - (B) Of course, men who are married to working mothers know of these employment barriers but seem unwilling to do anything about them.
  - (C) On the other hand, salary levels may become more equitable between men and women even if the other career opportunities remain more accessible to men than to women.
  - (D) On the contrary, men with primary child-rearing responsibilities will continue to enjoy more advantages in the workplace than their female counterparts.
  - (E) Thus, institutions in society that favor men over women will continue to widen the gap between the career opportunities available for men and for women.

Critics have long been puzzled by the inner contradictions of major characters in John Webster's tragedies. In his *The Duchess of Malfi*, for instance, the Duchess is "good" in demonstrating the obvious tenderness and sincerity of her love for Antonio, but "bad" in ignoring the wishes and welfare of her family and in making religion a "cloak" hiding worldly

self-indulgence. Bosola is “bad” in serving Ferdinand, “good” in turning the Duchess’ thoughts toward heaven and in planning to avenge her murder. The ancient Greek philosopher Aristotle implied that such contradictions are virtually essential to the tragic personality, and yet critics keep coming back to this element of inconsistency as though it were an eccentric feature of Webster’s own tragic vision.

The problem is that, as an Elizabethan playwright, Webster has become a prisoner of our critical presuppositions. We have, in recent years, been dazzled by the way the earlier Renaissance and medieval theater, particularly the morality play, illuminates Elizabethan drama. We now understand how the habit of mind that saw the world as a battleground between good and evil produced the morality play. Morality plays allegorized that conflict by presenting characters whose actions were defined as the embodiment of good or evil. This model of reality **lived on**, overlaid by different conventions, in the most sophisticated Elizabethan works of the following age. Yet Webster seems not to have been as heavily influenced by the morality play’s model of reality as were his Elizabethan contemporaries; he was apparently more sensitive to the more morally complicated Italian drama than to these English sources. Consequently, his characters cannot be evaluated according to reductive formulas of good and evil, which is precisely what modern critics have tried to do. They choose what seem to be the most promising of the contradictor values that are dramatized in the play, and treat those values as if they were the only basis for analyzing the moral development of the play’s major characters, attributing the inconsistencies in a character’s behavior to artistic incompetence on Webster’s part. The lack of consistency in Webster’s characters can be better understood if we recognize that the ambiguity at the heart of his tragic vision lies not in the external world but in the duality of human nature. Webster establishes tension in his plays by setting up conflicting systems of value that appear immoral only when one value system is viewed exclusively from the perspective of the other. He presents us not only with characters that we condemn intellectually or ethically and at the same time impulsively approve of, but also with judgments we must accept as logically sound and yet find emotionally repulsive. The dilemma is not only dramatic: it is tragic, because the conflict is irreconcilable, and because it is ours as much as that of the characters.

8. The primary purpose of the passage is to
- (A) clarify an ambiguous assertion
  - (B) provide evidence in support of a commonly held view
  - (C) analyze an unresolved question and propose an answer
  - (D) offer an alternative to a flawed interpretation
  - (E) describe and categorize opposing viewpoints
9. The author suggests which one of the following about the dramatic works that most influenced Webster’s tragedies?
- (A) They were not concerned with dramatizing the conflict between good and evil that was presented in morality plays.
  - (B) They were not as sophisticated as the Italian sources from which other Elizabethan tragedies were derived.

- (C) They have never been adequately understood by critics.
- (D) They have only recently been used to illuminate the conventions of Elizabethan drama.
- (E) They have been considered by many critics to be the reason for Webster's apparent artistic incompetence.
10. The author's allusion to Aristotle's view of tragedy in lines 11-13 serves which one of the following functions in the passage?
- (A) It introduces a commonly held view of Webster's tragedies that the author plans to defend.
- (B) It supports the author's suggestion that Webster's conception of tragedy is not idiosyncratic.
- (C) It provides an example of an approach to Webster's tragedies that the author criticizes.
- (D) It establishes the similarity between classical and modern approaches to tragedy.
- (E) It supports the author's assertion that Elizabethan tragedy cannot be fully understood without the help of recent scholarship.
11. It can be inferred from the passage that modern critics' interpretations of Webster's tragedies would be more valid if
- (A) the ambiguity inherent in Webster's tragic vision resulted from the duality of human nature
- (B) Webster's conception of the tragic personality were similar to that of Aristotle
- (C) Webster had been heavily influenced by the morality play
- (D) Elizabethan dramatists had been more sensitive to Italian sources of influence
- (E) the inner conflicts exhibited by Webster's characters were similar to those of modern audiences
12. With which one of the following statements regarding Elizabethan drama would the author be most likely to agree?
- (A) The skill of Elizabethan dramatists has in recent years been overestimated.
- (B) The conventions that shaped Elizabethan drama are best exemplified by Webster's drama.
- (C) Elizabethan drama, for the most part, can be viewed as being heavily influenced by the morality play.
- (D) Only by carefully examining the work of his Elizabethan contemporaries can Webster's achievement as a dramatist be accurately measured.
- (E) Elizabethan drama can best be described as influenced by a composite of Italian and classical sources.
13. It can be inferred from the passage that most modern critics assume which one of the following in their interpretation of Webster's tragedies?

- (A) Webster's play tended to allegorize the conflict between good and evil more than did those of his contemporaries.
- (B) Webster's plays were derived more from Italian than from English sources.
- (C) The artistic flaws in Webster's tragedies were largely the result of his ignorance of the classical definition of tragedy.
- (D) Webster's tragedies provide no relevant basis for analyzing the moral development of their characters.
- (E) In writing his tragedies, Webster was influenced by the same sources as his contemporaries.

14. The author implies that Webster's conception of tragedy was

- (A) artistically flawed
- (B) highly conventional
- (C) largely derived from the morality play
- (D) somewhat different from the conventional Elizabethan conception of tragedy
- (E) uninfluenced by the classical conception of tragedy

Cultivation of a single crop on a given tract of land leads eventually to decreased yields. One reason for this is that harmful bacterial phytopathogens, organisms parasitic on plant hosts, increase in the soil surrounding plant roots. The problem can be cured by crop rotation, denying the pathogens a suitable host for a period of time. However, even if crops are not rotated, the severity of diseases brought on by such phytopathogens often decreases after a number of years as the microbial population of the soil changes and the soil becomes "suppressive" to those diseases. While there may be many reasons for this phenomenon, it is clear that levels of certain bacteria, such as *Pseudomonas fluorescens*, a bacterium antagonistic to a number of harmful phytopathogens, are greater in suppressive than in nonsuppressive soil. This suggests that the presence of such bacteria suppresses phytopathogens. There is now considerable experimental support for this view. Wheat yield increases of 27 percent have been obtained in field trials by treatment of wheat seeds with fluorescent pseudomonads. Similar treatment of sugar beets, cotton, and potatoes has had similar results.

These improvements in crop yields through the application of *Pseudomonas fluorescens* suggest that agriculture could benefit from the use of bacteria genetically altered for specific purposes. For example, a form of phytopathogen altered to remove its harmful properties could be released into the environment in quantities favorable to its competing with and eventually excluding the harmful normal strain. Some experiments suggest that deliberately releasing altered nonpathogenic *Pseudomonas syringae* could **crowd out** the nonaltered variety that causes frost damage. Opponents of such research have objected that the deliberate and large-scale release of genetically altered bacteria might have deleterious results. Proponents, on the other hand, argue that this particular strain is altered only by the removal of the gene responsible for the strain's propensity to cause frost damage, thereby rendering it safer than the phytopathogen from which it was derived.

Some proponents have gone further and suggest that genetic alteration techniques could create organisms with totally new combinations of desirable traits not found in nature. For

example, genes responsible for production of insecticidal compounds have been transposed from other bacteria into pseudomonads that colonize corn roots. Experiments of this kind are difficult and require great care: such bacteria are developed in highly artificial environments and may not compete well with natural soil bacteria. Nevertheless, proponents contend that the prospects for improved agriculture through such methods seem excellent. These prospects lead many to hope that current efforts to assess the risks of deliberate release of altered microorganisms will successfully answer the concerns of opponents and create a climate in which such research can go forward without undue impediment.

15. Which one of the following best summarizes the main idea of the passage?
- (A) Recent field experiments with genetically altered *Pseudomonas* bacteria have shown that releasing genetically altered bacteria into the environment would not involve any significant danger.
  - (B) Encouraged by current research, advocates of agricultural use of genetically altered bacteria are optimistic that such use will eventually result in improved agriculture, though opponents remain wary.
  - (C) Current research indicates that adding genetically altered *Pseudomonas syringae* bacteria to the soil surrounding crop plant roots will have many beneficial effects, such as the prevention of frost damage in certain crops.
  - (D) Genetic alteration of a number of harmful phytopathogens has been advocated by many researchers who contend that these techniques will eventually replace such outdated methods as crop rotation.
  - (E) Genetic alteration of bacteria has been successful in highly artificial laboratory conditions, but opponents of such research have argued that these techniques are unlikely to produce organisms that are able to survive in natural environments.
16. The author discusses naturally occurring *Pseudomonas fluorescens* bacteria in the first paragraph primarily in order to do which one of the following?
- (A) prove that increases in the level of such bacteria in the soil are the sole cause of soil suppressivity
  - (B) explain why yields increased after wheat fields were sprayed with altered *Pseudomonas fluorescens* bacteria
  - (C) detail the chemical processes that such bacteria use to suppress organisms parasitic to crop plants, such as wheat, sugar beets, and potatoes
  - (D) provide background information to support the argument that research into the agricultural use of genetically altered bacteria would be fruitful
  - (E) argue that crop rotation is unnecessary, since diseases brought on by phytopathogens diminish in severity and eventually disappear on their own
17. It can be inferred from the author's discussion of *Pseudomonas fluorescens* bacteria that which one of the following would be true of crops impervious to parasitical organisms?
- (A) *Pseudomonas fluorescens* bacteria would be absent from the soil surrounding

- their roots.
- (B) They would crowd out and eventually exclude other crop plants if their growth were not carefully regulated.
  - (C) Their yield would not be likely to be improved by adding *Pseudomonas fluorescens* bacteria to the soil.
  - (D) They would mature more quickly than crop plants that were susceptible to parasitical organisms.
  - (E) Levels of phytopathogenic bacteria in the soil surrounding their roots would be higher compared with other crop plants.
18. It can be inferred from the passage that crop rotation can increase yields in part because
- (A) moving crop plants around makes them hardier and more resistant to disease
  - (B) the number of *Pseudomonas fluorescens* bacteria in the soil usually increases when crops are rotated
  - (C) the roots of many crop plants produce compounds that are antagonistic to phytopathogens harmful to other crop plants
  - (D) the presence of phytopathogenic bacteria is responsible for the majority of plant diseases
  - (E) phytopathogens typically attack some plant species but find other species to be unsuitable hosts
19. According to the passage, proponents of the use of genetically altered bacteria in agriculture argue that which one of the following is true of the altered bacteria used in the frost-damage experiments?
- (A) The altered bacteria had a genetic constitution differing from that of the normal strain only in that the altered variety had one less gene.
  - (B) Although the altered bacteria competed effectively with the nonaltered strain in the laboratory, they were not as viable in natural environments.
  - (C) The altered bacteria were much safer and more effective than the naturally occurring *Pseudomonas fluorescens* bacteria used in earlier experiments.
  - (D) The altered bacteria were antagonistic to several types of naturally occurring phytopathogens in the soil surrounding the roots of frost-damaged crops.
  - (E) The altered bacteria were released into the environment in numbers sufficient to guarantee the validity of experimental results.
20. Which one of the following, if true, would most seriously weaken the proponents' argument regarding the safety of using altered *Pseudomonas syringae* bacteria to control frost damage?
- (A) *Pseudomonas syringae* bacteria are primitive and have a simple genetic constitution.
  - (B) The altered bacteria are derived from a strain that is parasitic to plants and can cause damage to crops.



- (C) Current genetic-engineering techniques permit the large-scale commercial production of such bacteria.
- (D) Often genes whose presence is responsible for one harmful characteristic must be present in order to prevent other harmful characteristics.
- (E) The frost-damage experiments with *Pseudomonas syringae* bacteria indicate that the altered variety would only replace the normal strain if released in sufficient numbers.

In 1887 the Dawes Act legislated wide-scale private ownership of reservation lands in the United States for Native Americans. The act allotted plots of 80 acres to each Native American adult. However, the Native Americans were not granted outright title to their lands. The act defined each grant as a “trust patent,” meaning that the Bureau of Indian Affairs (BIA), the governmental agency in charge of administering policy regarding Native Americans, would hold the allotted land **in trust** for 25 years, during which time the Native American owners could use, but not alienate (sell) the land. After the 25-year period, the Native American allottee would receive a “fee patent” awarding full legal ownership of the land.

Two main reasons were advanced for the restriction on the Native Americans’ ability to sell their lands. First, it was claimed that free alienability would lead to immediate transfer of large amounts of former reservation land to non-Native Americans, consequently threatening the traditional way of life on those reservations. A second objection to free alienation was that Native Americans were unaccustomed to, and did not desire, a system of private landownership. Their custom, it was said, favored communal use of land.

However, both of these arguments bear only on the transfer of Native American lands to non-Native Americans: neither offers a reason for prohibiting Native Americans from transferring land among themselves. Selling land to each other would not threaten the Native American culture. Additionally, if communal land use remained preferable to Native Americans after allotment, free alienability would have allowed allottees to sell their lands back to the tribe.

When stated rationales for government policies prove empty, using an interest-group model often provides an explanation. While neither Native Americans nor the potential non-Native American purchasers benefited from the restraint on alienation contained in the Dawes Act, one clearly defined group did benefit: the BIA bureaucrats. It has been convincingly demonstrated that bureaucrats seek to maximize the size of their staffs and their budgets in order to compensate for the lack of other sources of fulfillment, such as power and prestige. Additionally, politicians tend to favor the growth of governmental bureaucracy because such growth provides increased opportunity for the exercise of political patronage. The restraint on alienation vastly increased the amount of work, and hence the budgets, necessary to implement the statute. Until allotment was ended in 1934, granting fee patents and leasing Native American lands were among the principal activities of the United States government. One hypothesis, then, for the temporary restriction on alienation in the Dawes Act is that it reflected a compromise between non-Native Americans favoring immediate alienability so they could purchase land and the BIA bureaucrats who administered the privatization system.

21. Which one of the following best summarizes the main idea of the passage?

- (A) United States government policy toward Native Americans has tended to disregard their needs and consider instead the needs of non-Native American purchasers of land.
  - (B) In order to preserve the unique way of life on Native American reservations, use of Native American lands must be communal rather than individual.
  - (C) The Dawes Act's restriction on the right of Native Americans to sell their land may have been implemented primarily to serve the interests of politicians and bureaucrats.
  - (D) The clause restricting free alienability in the Dawes Act greatly expanded United States governmental activity in the area of land administration.
  - (E) Since passage of the Dawes Act in 1887, Native Americans have not been able to sell or transfer their former reservation land freely.
22. Which one of the following statements concerning the reason for the end of allotment, if true, would provide the most support for the author's view of politicians?
- (A) Politicians realized that allotment was damaging the Native American way of life.
  - (B) Politicians decided that allotment would be more congruent with the Native American custom of communal land use.
  - (C) Politicians believed that allotment's continuation would not enhance their opportunities to exercise patronage.
  - (D) Politicians felt that the staff and budgets of the BIA had grown too large.
  - (E) Politicians were concerned that too much Native American land was falling into the hands of non-Native Americans.
23. Which one of the following best describes the organization of the passage?
- (A) The passage of a law is analyzed in detail, the benefits and drawbacks of one of its clauses are studied, and a final assessment of the law is offered.
  - (B) The history of a law is narrated, the effects of one of its clauses on various populations are studied, and repeal of the law is advocated
  - (C) A law is examined, the political and social backgrounds of one of its clauses are characterized, and the permanent effects of the law are studied.
  - (D) A law is described, the rationale put forward for one of its clauses is outlined and dismissed, and a different rationale for the clause is presented.
  - (E) The legal status of an ethnic group is examined with respect to issues of landownership and commercial autonomy, and the benefits to rival groups due to that status are explained.
24. The author's attitude toward the reasons advanced for the restriction on alienability in the Dawes Act at the time of its passage can best be described as
- (A) completely credulous
  - (B) partially approving

- (C) basically indecisive  
(D) mildly questioning  
(E) highly skeptical
25. It can be inferred from the passage that which one of the following was true of Native American life immediately before passage of the Dawes Act?
- (A) Most Native Americans supported themselves through farming.  
(B) Not many Native Americans personally owned the land on which they lived.  
(C) The land on which most Native Americans lived had been bought from their tribes.  
(D) Few Native Americans had much contact with their non-Native American neighbors.  
(E) Few Native Americans were willing to sell their land to non-Native Americans.
26. According to the passage, the type of landownership initially obtainable by Native Americans under the Dawes Act differed from the type of ownership obtainable after a 25-year period in that only the latter allowed
- (A) owners of land to farm it  
(B) owners of land to sell it  
(C) government some control over how owners disposed of land  
(D) owners of land to build on it with relatively minor governmental restrictions  
(E) government to charge owners a fee for developing their land
27. Which of the following, if true, would most strengthen the author's argument regarding the true motivation for the passage of the Dawes Act?
- (A) The legislators who voted in favor of the Dawes Act owned land adjacent to Native American reservations.  
(B) The majority of Native Americans who were granted fee patents did not sell their land back to their tribes.  
(C) Native Americans managed to preserve their traditional culture even when they were geographically dispersed.  
(D) The legislators who voted in favor of the Dawes Act were heavily influenced by BIA bureaucrats.  
(E) Non-Native Americans who purchased the majority of Native American lands consolidated them into larger farm holdings.

**LSAT 08 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 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 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, 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.

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 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 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 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, 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 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 is attempting to appease his detractors, paying obeisance to the movement's institutional success by 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.

1. The primary purpose of the passage is to
  - (A) assess the law-and-literature movement by examining the position of one of its most prominent critics
  - (B) assert that a mutually beneficial relationship exists between the study of law and the study of literature
  - (C) provide examples of the law-and-literature movement in practice by discussing the work of its proponents
  - (D) dismiss a prominent critic's recent study of the law-and-literature movement

- (E) describe the role played by literary scholars in providing a broader context for legal issues
2. Posner's stated position **with regard to** the law-and-literature movement is most analogous to which one of the following?
- (A) a musician who is trained in the classics but frequently plays modern music while performing on stage
  - (B) a partisan who transfers allegiance to a new political party that demonstrates more promise but has fewer documented accomplishments
  - (C) a sports fan who wholeheartedly supports the team most likely to win rather than his or her personal favorite
  - (D) an ideologue who remains committed to his or her own view of a subject in spite of compelling evidence to the contrary
  - (E) 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

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 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 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 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, 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 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 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 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. And the philosophers of science mentioned above are quite right to argue that new scientific ideas often correct old ones by indicating errors and imprecision (as, say, Newton's ideas did to Kepler's). Nor would I deny that there are 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 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.

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 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

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 refused 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 authors 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)

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 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 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.

William G. McLaughlin 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 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 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 revivals of traditional religious beliefs and practices. However, these revivals did not, according to McLaughlin, undermine the elitist reforms, but supplemented them with popular traditionalist counterparts.

Traditionalist Cherokee did not reject the elitist reforms outright, McLaughlin 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, "We want our children to learn English so that the White man cannot cheat us." Many traditionalists Cherokee welcomed the missionaries for another reason: they perceived that it would be useful to have White allies. In the end, McLaughlin asserts, 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 McLaughlin, 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, McLaughlin unfortunately overlooks earlier sources of influence, such as eighteen-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 Cherokee. However, McLaughlin 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 essential identity after confronting the missionaries.

16. Which one of the following best states the main idea of the passage?
- (A) McLaughlin's studies of the impact of missionaries on Cherokee culture during the 1820s are fundamentally flawed, since McLaughlin ignores the greater impact of White resident traders in the eighteenth century.
  - (B) Though his work is limited in perspective, McLaughlin is substantially correct that changes in Cherokee culture in the 1820s were mediated by the Cherokee themselves rather than simply imposed by the missionaries.
  - (C) Although McLaughlin is correct in asserting that cultural changes among the Cherokee were autonomous and so not a result of the presence of missionaries, he overemphasizes the role of intertribal conflicts.
  - (D) McLaughlin has shown that Cherokee culture not only flourished during and

after the 1820s, but that changes in Cherokee culture during this time developed naturally from elements already present in Cherokee culture.

- (E) Although McLaughlin overlooks a number of relevant factors in Cherokee cultural change in the 1820s, he convincingly demonstrates that these changes were fostered primarily by missionaries.
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, McLaughlin 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 McLaughlin'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 McLaughlin'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 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 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 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 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 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 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 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 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 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 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 tranquility in a sense signifies **no more than** good conditions on the 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, 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.
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 an 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 mode 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

### **LSAT 09 SECTION III**

**Time 35 minutes 26 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.*

After thirty years of investigation into cell genetics, researchers made startling discoveries in the 1960s and early 1970s which culminated in the development of processes, collectively known as recombinant deoxyribonucleic acid (rDNA) technology, for the active manipulation of a cell's genetic code. The technology has created excitement and controversy because it involves altering DNA—which contains the building blocks of the genetic code.

Using rDNA technology, scientists can transfer a portion of the DNA from one organism to a single living cell of another. The scientist chemically “snips” the DNA chain of the host cell at a predetermined point and attaches another piece of DNA from a donor cell at that place, creating a completely new organism.

Proponents of rDNA research and development claim that it will allow scientists to find cures for disease and to better understand how genetic information controls an organism's development. They also see many other potentially practical benefits, especially in the pharmaceutical industry. Some corporations employing the new technology even claim that by the end of the century all major diseases will be treated with drugs derived from microorganisms created through rDNA technology. Pharmaceutical products already developed, but not yet marketed, indicate that these predictions may be realized.

Proponents also cite nonmedical applications for this technology. Energy production and waste disposal may benefit: genetically altered organisms could convert sewage and other organic material into methane fuel. Agriculture might also take advantage of rDNA technology to produce new varieties of crops that resist foul weather, pests, and the effects of poor soil.

A major concern of the critics of rDNA research is that genetically altered microorganisms might escape from the laboratory. Because these microorganisms are laboratory creations that, **in all probability**, do not occur in nature, their interaction with the natural world cannot be predicted with certainty. It is possible that they could cause previously unknown, perhaps incurable diseases. The effect of genetically altered microorganisms on the world's microbiological predator-prey relationships is another potentially serious problem pointed out by the opponents of rDNA research. Introducing a new species may disrupt or even destroy the existing ecosystem. The collapse of interdependent relationships among species, extrapolated to its extreme, could eventually result in the destruction of humanity.

Opponents of rDNA technology also cite ethical problems with it. For example, it gives scientists the power to instantly cross evolutionary and species boundaries that nature took millennia to establish. The implications of such power would become particularly profound if genetic engineers were to tinker with human genes, a practice that would bring us one step closer to Aldous Huxley's grim vision in *Brave New World* of a totalitarian society that **engineers**

human beings to fulfill specific roles.

1. In the passage, the author is primarily concerned with doing which one of the following?
  - (A) explaining the process and applications of rDNA technology
  - (B) advocating continued rDNA research and development
  - (C) providing evidence indicating the need for regulation of rDNA research and development
  - (D) summarizing the controversy surrounding rDNA research and development
  - (E) arguing that the environmental risks of rDNA technology may outweigh its medical benefits
2. According to the passage, which one of the following is an accurate statement about research into the genetic code of cells?
  - (A) It led to the development of processes for the manipulation of DNA.
  - (B) It was initiated by the discovery of rDNA technology.
  - (C) It led to the use of new treatments for major diseases.
  - (D) It was universally heralded as a great benefit to humanity.
  - (E) It was motivated by a desire to create new organisms.
3. The potential benefits of rDNA technology referred to in the passage include all of the following EXCEPT
  - (A) new methods of waste treatment
  - (B) new biological knowledge
  - (C) enhanced food production
  - (D) development of less expensive drugs
  - (E) increased energy production
4. Which one of the following, if true, would most weaken an argument of opponents of rDNA technology?
  - (A) New safety procedures developed by rDNA researchers make it impossible for genetically altered microorganisms to escape from laboratories.
  - (B) A genetically altered microorganism accidentally released from a laboratory is successfully contained.
  - (C) A particular rDNA-engineered microorganism introduced into an ecosystem attracts predators that keep its population down.
  - (D) Genetically altered organisms designed to process sewage into methane cannot survive outside the waste treatment plant.
  - (E) A specific hereditary disease that has plagued humankind for generations is successfully eradicated.
5. The author's reference in the last sentence of the passage to a society that engineers human beings to fulfill specific roles serves to

- (A) emphasize the potential medical dangers of rDNA technology
  - (B) advocate research on the use of rDNA technology in human genetics
  - (C) warn of the possible disasters that could result from upsetting the balance of nature
  - (D) present *Brave New World* as an example of a work of fiction that accurately predicted technological developments
  - (E) illustrate the sociopolitical ramifications of applying genetic engineering to humans
6. Which one of the following, if true, would most strengthen an argument of the opponents of rDNA technology?
- (A) Agricultural products developed through rDNA technology are no more attractive to consumers than are traditional crops.
  - (B) Genetically altered microorganisms have no natural predators but can prey on a wide variety of other microorganisms.
  - (C) Drugs produced using rDNA technology cost more to manufacture than drugs produced with traditional technologies.
  - (D) Ecosystems are impermanent systems that are often liable to collapse, and occasionally do so.
  - (E) Genetically altered microorganisms generally cannot survive for more than a few hours in the natural environment.

Gray marketing, the selling of trademarked products through channels of distribution not authorized by the trademark holder, can involve distribution of goods either within a market region or across market boundaries. Gray marketing within a market region ("channel flow diversion") occurs when manufacturer-authorized distributors sell trademarked goods to unauthorized distributors who then sell the goods to consumers within the same region. For example, quantity discounts from manufacturers may motivate authorized dealers to enter the gray market because they can purchase larger quantities of a product than they themselves intend to stock if they can sell the extra units through gray marketing channels.

When gray marketing occurs across market boundaries, it is typically in an international setting and may be called "parallel importing." Manufacturers often produce and sell products in more than one country and establish a network of authorized dealers in each country. Parallel importing occurs when trademarked goods intended for one country are diverted from proper channels (channel flow diversion) and then exported to unauthorized distributors in another country.

Trademark owners justifiably **argue against** gray marketing practices since such practices clearly jeopardize the goodwill established by trademark owners: consumers who purchase trademarked goods in the gray market do not get the same "extended product," which typically includes pre- and postsale service. Equally important, authorized distributors may cease to promote the product if it becomes available for much lower prices through unauthorized channels.

Current debate over regulation of gray marketing focuses on three disparate theories in

trademark law that have been variously and confusingly applied to parallel importation cases: universality, exhaustion, and territoriality. The theory of universality holds that a trademark is only an indication of the source or origin of the product. This theory does not recognize the goodwill functions of a trademark. When the courts apply this theory, gray marketing practices are allowed to continue because the origin of the product remains the same regardless of the specific route of the product through the channel of distribution. The exhaustion theory holds that a trademark owner relinquishes all rights once a product has been sold. When this theory is applied, gray marketing practices are allowed to continue because the trademark owners' rights cease as soon as their products are sold to a distributor. The theory of territoriality holds that a trademark is effective in the country in which it is registered. Under the theory of territoriality, trademark owners can stop gray marketing practices in the registering countries on products bearing their trademarks. Since only the territoriality theory affords trademark owners any real legal protection against gray marketing practices, I believe it is inevitable as well as desirable that it will come to be consistently applied in gray marketing cases.

7. Which one of the following best expresses the main point of the passage?
- (A) Gray marketing is unfair to trademark owners and should be legally controlled.
  - (B) Gray marketing is practiced in many different forms and places, and legislators should recognize the futility of trying to regulate it.
  - (C) The mechanisms used to control gray marketing across markets are different from those most effective in controlling gray marketing within markets.
  - (D) The three trademark law theories that have been applied in gray marketing cases lead to different case outcomes.
  - (E) Current theories used to interpret trademark laws have resulted in increased gray marketing activity.
8. The function of the passage as a whole is to
- (A) criticize the motives and methods of those who practice gray marketing
  - (B) evaluate the effects of both channel flow diversion and parallel importation
  - (C) discuss the methods that have been used to regulate gray marketing and evaluate such methods' degrees of success
  - (D) describe a controversial marketing practice and evaluate several legal views regarding it
  - (E) discuss situations in which certain marketing practices are common and analyze the economic factors responsible for their development
9. Which one of the following does the author offer as an argument against gray marketing?
- (A) Manufacturers find it difficult to monitor the effectiveness of promotional efforts made on behalf of products that are gray marketed.
  - (B) Gray marketing can discourage product promotion by authorized distributors.
  - (C) Gray marketing forces manufacturers to accept the low profit margins that

- result from quantity discounting.
- (D) Gray marketing discourages competition among unauthorized dealers.
- (E) Quality standards in the manufacture of products likely to be gray marketed may decline.
10. The information in the passage suggests that proponents of the theory of territoriality would probably differ from proponents of the theory of exhaustion on which one of the following issues?
- (A) the right of trademark owners to enforce, in countries in which the trademarks are registered, distribution agreements intended to restrict distribution to authorized channels
- (B) the right of trademark owners to sell trademarked goods only to those distributors who agree to abide by distribution agreements
- (C) the legality of channel flow diversion that occurs in a country other than the one in which a trademark is registered
- (D) the significance consumers attach to a trademark
- (E) the usefulness of trademarks as marketing tools
11. The author discusses the impact of gray marketing on goodwill in order to
- (A) fault trademark owners for their unwillingness to offer a solution to a major consumer complaint against gray marketing
- (B) indicate a way in which manufacturers sustain damage against which they ought to be protected
- (C) highlight one way in which gray marketing across markets is more problematic than gray marketing within a market
- (D) demonstrate that gray marketing does not always benefit the interests of unauthorized distributors
- (E) argue that consumers are unwilling to accept a reduction in price in exchange for elimination of service
12. The author's attitude toward the possibility that the courts will come to exercise consistent control over gray marketing practices can best be characterized as one of
- (A) resigned tolerance
- (B) utter dismay
- (C) reasoned optimism
- (D) unbridled fervor
- (E) cynical indifference
13. It can be inferred from the passage that some channel flow diversion might be eliminated if
- (A) profit margins on authorized distribution of goods were less than those on goods marketed through parallel importing



- (B) manufacturers relieved authorized channels of all responsibility for product promotion
- (C) manufacturers charged all authorized distributors the same unit price for products regardless of quantity purchased
- (D) the postsale service policies of authorized channels were controlled by manufacturers
- (E) manufacturers refused to provide the “extended product” to consumers who purchase goods in the gray market

Any study of autobiographical narratives that appeared under the ostensible authorship of African American writers between 1760 and 1865 inevitably raises concerns about authenticity and interpretation. Should an autobiography whose written composition was literally out of the hands of its narrator be considered as the literary equivalent of those autobiographies that were authored independently by their subjects?

In many cases, the so-called edited narrative of an ex-slave ought to be treated as a ghostwritten account insofar as literary analysis is concerned, especially when it was composed by its editor from “a statement of facts” provided by an African American subject. Blassingame has taken pains to show that the editors of several of the more famous antebellum slave narratives were “noted for their integrity” and thus were unlikely to distort the facts given them by slave narrators. From a literary standpoint, however, it is not the moral integrity of these editors that is *at issue* but the linguistic, structural, and tonal integrity of the narratives they produces. Even if an editor faithfully reproduced the facts of a narrator’s life, it was still the editor who decided what to make of these facts, how they should be emphasized, in what order they ought to be presented, and what was extraneous or germane. Readers of African American autobiography then and now have too readily accepted the presumption of these eighteenth- and nineteenth-century editors that experiential facts recounted orally could be recorded and sorted by an amanuensis-editor, taken out of their original contexts, and then published with editorial prefaces, footnotes, and appended commentary, all without compromising the validity of the narrative as a product of an African American consciousness.

Transcribed narratives in which an editor explicitly delimits his or her role undoubtedly may be regarded as more authentic and reflective of the narrator’s thought *in action* than those edited works that *flesh* out a statement of facts in ways unaccounted for. Still, it would be naïve to accord dictated oral narratives the same status as autobiographies composed and written by the subjects of the stories themselves. This point is illustrated by an analysis of Works Progress Administration interviews with ex-slaves in the 1930s that suggests that narrators often told interviewers what they seemed to want to hear. If it seemed impolitic for former slaves to tell all they knew and thought about the past to interviewers in the 1930s, the same could be said of escaped slaves on the run in the antebellum era. Dictated narratives, therefore, are literary texts whose authenticity is difficult to determine. Analysts should reserve close analytic readings for independently authored texts. Discussion of collaborative texts should take into account the conditions that governed their production.

14. Which one of the following best summarizes the main point of the passage?

- (A) The personal integrity of an autobiography’s editor has little relevance to its

- value as a literary work.
- (B) Autobiographies dictated to editors are less valuable as literature than are autobiographies authored by their subjects.
  - (C) The facts that are recorded in an autobiography are less important than the personal impressions of its author.
  - (D) The circumstances under which an autobiography was written should affect the way it is interpreted as literature.
  - (E) The autobiographies of African Americans written between 1760 and 1865 deserve more careful study than they have so far received.
15. The information in the passage suggests that the role of the “editor” (lines 23-24) is most like that of
- (A) an artist who wishes to invent a unique method of conveying the emotional impact of a scene in a painting
  - (B) a worker who must interpret the instructions of an employer
  - (C) a critic who must provide evidence to support opinions about a play being reviewed
  - (D) an architect who must make the best use of a natural setting in designing a public building
  - (E) a historian who must decide how to direct the reenactment of a historical event
16. Which one of the following best describes the author’s opinion about applying literary analysis to edited autobiographies?
- (A) The author is adamantly opposed to the application of literary analysis to edited autobiographies.
  - (B) The author is skeptical of the value of close analytical reading in the case of edited autobiographies.
  - (C) The author believes that literary analysis of the prefaces, footnotes, and commentaries that accompany edited autobiographies would be more useful than an analysis of the text of the autobiographies.
  - (D) The author believes that an exclusively literary analysis of edited autobiographies is more valuable than a reading that emphasizes their historical import.
  - (E) The author believes that the literary analysis of edited autobiographies would enhance their linguistic, structural, and tonal integrity.
17. The passage supports which one of the following statements about the readers of autobiographies of African Americans that were published between 1760 and 1865?
- (A) They were more concerned with the personal details in the autobiographies than with their historical significance.
  - (B) They were unable to distinguish between ghostwritten and edited

- autobiographies.
- (C) They were less naïve about the facts of slave life than are readers today.
- (D) They presumed that the editing of the autobiographies did not affect their authenticity.
- (E) They had little interest in the moral integrity of the editors of the autobiographies.
18. When one of the following words, as it is used in the passage, best serves to underscore the author's concerns about the authenticity of the autobiographies discussed?
- (A) "ostensible" (line 2)
- (B) "integrity" (line 18)
- (C) "extraneous" (line 27)
- (D) "delimits" (line 39)
- (E) "impolitic" (line 51)
19. According to the passage, close analytic reading of an autobiography is appropriate only when the
- (A) autobiography has been dictated to an experienced amanuensis-editor
- (B) autobiography attempts to reflect the narrator's thought in action
- (C) autobiography was authored independently by its subject
- (D) moral integrity of the autobiography's editor is well established
- (E) editor of the autobiography collaborated closely with its subject in its editing
20. It can be inferred that the discussion in the passage of Blassingame's work primarily serves which one of the following purposes?
- (A) It adds an authority's endorsement to the author's view that edited narratives ought to be treated as ghostwritten accounts.
- (B) It provides an example of a mistaken emphasis in the study of autobiography.
- (C) It presents an account of a new method of literary analysis to be applied to autobiography.
- (D) It illustrates the inadequacy of traditional approaches to the analysis of autobiography.
- (E) It emphasizes the importance of the relationship between editor and narrator.

A conventional view of nineteenth-century Britain holds that iron manufacturers and textile manufacturers from the north of England became the wealthiest and most powerful people in society after about 1832. According to Marxist historians, these industrialists were the target of the working class in its struggle for power. A new study by Rubinstein, however, suggests that the real wealth lay with the bankers and merchants of London. Rubinstein does not deny that a northern industrial elite existed but argues that it was consistently outnumbered and outdone by a London-based commercial elite. His claims are provocative and deserve consideration.

Rubinstein's claim about the location of wealth comes from his investigation of probate

records. These indicate the value of personal property, excluding real property (buildings and land), left by individuals at death. It does seem as if large fortunes were more frequently made in commerce than in industry and, within industry, more frequently from alcohol or tobacco than from textiles or metal. However, such records do not unequivocally make Rubinstein's case. Uncertainties abound about how the probate rules for valuing assets were actually applied. Mills and factories, being real property, were clearly excluded: machinery may also have been, for the same reason. What the valuation conventions were for stock-in-trade (goods for sale) is also uncertain. It is possible that their probate values were much lower than their actual market value: cash or near-cash, such as bank balances or stocks, were, on the other hand, invariably considered at full face value. A further complication is that probate valuations probably took no notice of a business's goodwill (favor with the public) which, since it represents expectations about future profit-making, would today very often be a large fraction of market value. Whether factors like these introduced systematic biases into the probate valuations of individuals with different types of businesses would be worth investigating.

The orthodox view that the wealthiest individuals were the most powerful is also questioned by Rubinstein's study. The problem for this orthodox view is that Rubinstein finds many millionaires who are totally unknown to nineteenth-century historians: the reason for their obscurity could be that they were not powerful. Indeed, Rubinstein dismisses any notion that great wealth had anything to do with entry into the governing elite, as represented by bishops, higher civil servants, and chairmen of manufacturing companies. The only requirements were university attendance and a father with a middle-class income.

Rubinstein, in another study, has begun to buttress his findings about the location of wealth by analyzing income tax returns, which reveal a geographical distribution of middle-class incomes similar to that of wealthy incomes revealed by probate records. But until further confirmatory investigation is done, his claims can only be considered partially convincing.

21. The main idea of the passage is that
- (A) the Marxist interpretation of the relationship between class and power in nineteenth-century Britain is no longer viable
  - (B) a simple equation between wealth and power is unlikely to be supported by new data from nineteenth-century British archives
  - (C) a recent historical investigation has challenged but not disproved the orthodox view of the distribution of wealth and the relationship of wealth to power in nineteenth-century Britain
  - (D) probate records provide the historian with a revealing but incomplete glimpse of the extent and location of wealth in nineteenth-century Britain
  - (E) an attempt has been made to confirm the findings of a new historical study of nineteenth-century Britain, but complete confirmation is likely to remain elusive
22. The author of the passage implies that probate records as a source of information about wealth in nineteenth-century Britain are
- (A) self-contradictory and misleading

- (B) ambiguous and outdated
  - (C) controversial but readily available
  - (D) revealing but difficult to interpret
  - (E) widely used by historians but fully understandable only by specialists
23. The author suggests that the total probate valuations of the personal property of individuals holding goods for sale in nineteenth-century Britain may have been
- (A) affected by the valuation conventions for such goods
  - (B) less accurate than the valuations for such goods provided by income tax returns
  - (C) less, on average, if such goods were tobacco-related than if they were alcohol-related
  - (D) greater, on average, than the total probate valuations of those individuals who held bank balances
  - (E) dependent on whether such goods were held by industrialists or by merchants or bankers
24. According to the passage, Rubinstein has provided evidence that challenges which one of the following claims about nineteenth-century Britain?
- (A) The distribution of great wealth between commerce and industry was not equal.
  - (B) Large incomes were typically made in alcohol and tobacco rather than in textiles and metal.
  - (C) A London-based commercial elite can be identified.
  - (D) An official governing elite can be identified.
  - (E) There was a necessary relationship between great wealth and power.
25. The author mentions that goodwill was probably excluded from the probate valuation of a business in nineteenth-century Britain most likely in order to
- (A) give an example of a business asset about which little was known in the nineteenth century
  - (B) suggest that the probate valuations of certain businesses may have been significant underestimations of their true market value
  - (C) make the point that this exclusion probably had an equal impact on the probate valuations of all nineteenth-century British businesses
  - (D) indicate that expectations about future profit-making is the single most important factor in determining the market value of certain businesses
  - (E) argue that the twentieth-century method of determining probate valuations of a business may be consistently superior to the nineteenth-century method
26. Which one of the following studies would provide support for Rubinstein's claims?
- (A) a study that indicated that many members of the commercial elite in

- nineteenth-century London had insignificant holdings of real property
- (B) a study that indicated that in the nineteenth century, industrialists from the north of England were in fact a target for working-class people
- (C) a study that indicated that, in nineteenth-century Britain, probate values of goods for sale were not as high as probate values of cash assets
- (D) a study that indicated that the wealth of nineteenth-century British industrialists did not appear to be significantly greater when the full value of their real property holdings was actually considered
- (E) a study that indicated that at least some members of the official governing elite in nineteenth-century Britain owned more real property than had previously been thought to be the case
27. Which one of the following, if true, would cast the most doubt on Rubinstein's argument concerning wealth and the official governing elite in nineteenth-century Britain?
- (A) Entry into this elite was more dependent on university attendance than on religious background.
- (B) Attendance at a prestigious university was probably more crucial than a certain minimum family income in gaining entry into this elite.
- (C) Bishops as a group were somewhat wealthier, at the point of entry into this elite, than were higher civil servants or chairmen of manufacturing companies.
- (D) The families of many members of this elite owned few, if any, shares in iron industries and textile industries in the north of England.
- (E) The composition of this elite included vice-chancellors, many of whom held office because of their wealth.

### **LSAT 10 SECTION I**

**Time 35 minutes 27 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.***

Many argue that recent developments in electronic technology such as computers and videotape have enabled artists to vary their forms of expression. For example, video art can now achieve images whose effect is produced by "digitalization": breaking up the picture using computerized information processing. Such new technologies create new ways of seeing and hearing by adding different dimensions to older forms, rather than replacing those forms. Consider *Locale*, a film about a modern dance company. The camera operator wore a Steadicam™, an uncomplicated device that allows a camera to be mounted on a person so that the camera remains steady no matter how the operator moves. The Steadicam™ captures the dance in ways impossible with traditional mounts. Such new equipment also allows for the



preservation of previously unrecordable aspects of performances, thus enriching archives.

By Contrast, others claim that technology subverts the artistic enterprise: that artistic efforts achieved with machines preempt human creativity, rather than being inspired by it. The originality of musical performance, for example, might suffer, as musicians would be deprived of the opportunity to spontaneously change pieces of music before live audiences. Some even worry that technology will eliminate live performance altogether; performances will be recorded for home viewing, abolishing the relationship between performer and audience. But these negative views assume both that technology poses an unprecedented challenge to the arts and that we are not committed enough to the artistic enterprise to preserve the live performance, assumptions that seem unnecessarily cynical. In fact, technology has traditionally assisted our capacity for creative expression and can refine our notions of any give art form.

For example, the portable camera and the snapshot were developed at the same time as the rise of impressionist painting in the nineteenth century. These photographic technologies encouraged a new appreciation. In addition, impressionist artists like Degas studied the elements of light and movement captured by instantaneous photography and used their new understanding of the way our perceptions distort reality to try to more accurately capture reality in their work. Since photos can capture the “moments” of a movement, such as a hand partially raised in a gesture of greeting, Impressionist artists were inspired to paint such moments in order to more effectively convey the quality of spontaneous human action. Photography freed artists from the preconception that a subject should be painted in a static, artificial entirety, and inspired them to capture the random and fragmentary qualities of our world. Finally, since photography preempted painting as the means of obtaining portraits, painters had more freedom to vary their subject matter, thus giving rise to the abstract creations characteristic of modern art.

1. Which one of the following statements best expresses the main idea of the passage?
  - (A) The progress of art relies primarily on technology.
  - (B) Technological innovation can be beneficial to art.
  - (C) There are risks associated with using technology to create art.
  - (D) Technology will transform the way the public responds to art.
  - (E) The relationship between art and technology has a lengthy history.
2. It can be inferred from the passage that the author shares which one of the following opinions with the opponents of the use of new technology in art?
  - (A) The live performance is an important aspect of the artistic enterprise.
  - (B) The public’s commitment to the artistic enterprise is questionable.
  - (C) Recent technological innovations present an entirely new sort of challenge to art.
  - (D) Technological innovations of the past have been very useful to artists.
  - (E) The performing arts are especially vulnerable to technological innovation.
3. Which one of the following, if true, would most undermine the position held by

- opponents of the use of new technology in art concerning the effect of technology on live performance?
- (A) Surveys show that when recordings of performances are made available for home viewing, the public becomes far more knowledgeable about different performing artists.
  - (B) Surveys show that some people feel comfortable responding spontaneously to artistic performances when they are viewing recordings of those performances at home.
  - (C) After a live performance, sales of recordings for home viewing of the particular performing artist generally increase.
  - (D) The distribution of recordings of artists' performances has begun to attract many new audience members to their live performances.
  - (E) Musicians are less apt to make creative changes in musical pieces during recorded performances than during live performances.
4. The author uses the example of the Steadicam™ primarily in order to suggest that
- (A) the filming of performances should not be limited by inadequate equipment
  - (B) new technologies do not need to be very complex in order to benefit art
  - (C) the interaction of a traditional art form with a new technology will change attitudes toward technology in general
  - (D) the replacement of a traditional technology with a new technology will transform definitions of a traditional art form
  - (E) new technology does not so much preempt as enhance a traditional art form
5. According to the passage, proponents of the use of new electronic technology in the arts claim that which one of the following is true?
- (A) Most people who reject the use of electronic technology in art forget that machines require a person to operate them.
  - (B) Electronic technology allows for the expansion of archives because longer performances can be recorded.
  - (C) Electronic technology assists artists in finding new ways to present their material.
  - (D) Electronic technology makes the practice of any art form more efficient by speeding up the creative process.
  - (E) Modern dance is the art form that will probably benefit most from the use of electronic technology.
6. It can be inferred from the passage that the author would agree with which one of the following statements regarding changes in painting since the nineteenth century?
- (A) The artistic experiments of the nineteenth century led painters to use a variety of methods in creating portraits, which they then applied to other subject

matter.

- (B) The nineteenth-century knowledge of light and movement provided by photography inspired the abstract works characteristic of modern art.
- (C) Once painters no longer felt that they had to paint conventional portraits, they turned exclusively to abstract portraiture.
- (D) Once painters were less limited to the impressionist style, they were able to experiment with a variety of styles of abstract art.
- (E) Once painters painted fewer conventional portraits, they had greater opportunity to move beyond the literal depiction of objects.

During the 1940s and 1950s the United States government developed a new policy toward Native Americans, often known as “readjustment.” Because the increased awareness of civil rights in these decades helped reinforce the belief that life on reservations prevented Native Americans from exercising the rights guaranteed to citizens under the United States Constitution, the readjustment movement advocated the end of the federal government’s involvement in Native American affairs and encouraged the assimilation of Native Americans as individuals into mainstream society. However, the same years also saw the emergence of a Native American leadership and efforts to develop tribal institutions and reaffirm tribal identity. The clash of these two trends may be traced in the attempts on the part of the Bureau of Indian Affairs (BIA) to convince the Oneida tribe of Wisconsin to accept readjustment.

The culmination of BIA efforts to sway the Oneida occurred at a meeting that took place in the fall of 1956. The BIA suggested that it would be to the Oneida’s benefit to own their own property and, like other homeowners, pay real estate taxes on it. The BIA also emphasized that, after readjustment, the government would not attempt to restrict Native Americans’ ability to sell their individually owned lands. The Oneida were then offered a one-time lump-sum payment of \$60,000 in lieu of the \$0.52 annuity guaranteed in perpetuity to each member of the tribe under the Canandaigua Treaty.

The efforts of the BIA to “sell” readjustment to the tribe failed because the Oneida realized that they had heard similar offers before. The Oneida delegates reacted negatively to the BIA’s first suggestion because taxation of Native American lands had been one past vehicle for dispossessing the Oneida: after the distribution of some tribal lands to individual Native Americans in the late nineteenth century, Native American lands became subject to taxation, resulting in new and impossible financial burdens, foreclosures, and subsequent tax sales of property. The Oneida delegates were equally suspicious of the BIA’s emphasis on the rights of individual landowners, since in the late nineteenth century many individual Native Americans had been convinced by unscrupulous speculators to sell their lands. Finally, the offer of a lump-sum payment was unanimously opposed by the Oneida delegates, who saw that changing the terms of a treaty might jeopardize the many pending land claims based upon the treaty.

As a result of the 1956 meeting, the Oneida rejected readjustment. Instead, they determined to improve tribal life by lobbying for federal monies for postsecondary education, for the improvement of drainage on tribal lands, and for the building of a convalescent home for tribal members. Thus, by learning the lessons of history, the Oneida were able to survive as a tribe in their homeland.

7. Which one of the following would be most consistent with the policy of readjustment described in the passage?
- (A) the establishment among Native Americans of a tribal system of a elected government
  - (B) the creation of a national project to preserve Native American language and oral history
  - (C) the establishment of programs to encourage Native Americans to move from reservations to urban areas
  - (D) the development of a large-scale effort to restore Native American lands to their original tribes
  - (E) the reaffirmation of federal treaty obligations to Native American tribes
8. According to the passage, after the 1956 meeting the Oneida resolved to
- (A) obtain improved social services and living conditions for members of the tribe
  - (B) pursue litigation designed to reclaim tribal lands
  - (C) secure recognition of their unique status as a self-governing Native American nation within the United States
  - (D) establish new kinds of tribal institutions
  - (E) cultivate a life-style similar to that of other United States citizens
9. Which one of the following best describes the function of the first paragraph in the context of the passage as a whole?
- (A) It summarizes the basis of a conflict underlying negotiations described elsewhere in the passage.
  - (B) It presents two positions, one of which is defended by evidence provided in succeeding paragraphs.
  - (C) It compares competing interpretations of a historical conflict.
  - (D) It analyzes the causes of a specific historical event and predicts a future development.
  - (E) It outlines the history of a government agency.
10. The author refers to the increased awareness of civil rights during the 1940s and 1950s most probably in order to
- (A) contrast the readjustment movement with other social phenomena
  - (B) account for the stance of the Native American leadership
  - (C) help explain the impetus for the readjustment movement
  - (D) explain the motives of BIA bureaucrats
  - (E) foster support for the policy of readjustment
11. The passage suggests that advocates of readjustment would most likely agree with which one of the following statements regarding the relationship between

the federal government and Native Americans?

- (A) The federal government should work with individual Native Americans to improve life on reservations.
- (B) The federal government should be no more involved in the affairs of Native Americans than in the affairs of other citizens.
- (C) The federal government should assume more responsibility for providing social services to Native Americans.
- (D) The federal government should share its responsibility for maintaining Native American territories with tribal leaders.
- (E) The federal government should observe all provisions of treaties made in the past with Native Americans.

12. The passage suggests that the Oneida delegates viewed the Canandaigua Treaty as

- (A) a valuable safeguard of certain Oneida rights and privileges
- (B) the source of many past problems for the Oneida tribe
- (C) a model for the type of agreement they hoped to reach with the federal government
- (D) an important step toward recognition of their status as an independent Native American nation
- (E) an obsolete agreement without relevance for their current condition

13. Which one of the following situations most closely parallels that of the Oneida delegates in refusing to accept a lump-sum payment of \$60,000?

- (A) A university offers a student a four-year scholarship with the stipulation that the student not accept any outside employment; the student refuses the offer and attends a different school because the amount of the scholarship would not have covered living expenses.
- (B) A company seeking to reduce its payroll obligations offers an employee a large bonus if he will accept early retirement; the employee refuses because he does not want to compromise an outstanding worker's compensation suit.
- (C) Parents of a teenager offer to pay her at the end of the month for performing weekly chores rather than paying her on a weekly basis; the teenager refuses because she has a number of financial obligations that she must meet early in the month.
- (D) A car dealer offers a customer a \$500 cash payment for buying a new car; the customer refuses because she does not want to pay taxes on the amount, and requests instead that her monthly payments be reduced by a proportionate amount.
- (E) A landlord offers a tenant several months rent-free in exchange for the tenant's agreeing not to demand that her apartment be painted every two years, as is required by the lease; the tenant refuses because she would have to spend her own time painting the apartment.

Direct observation of contemporary societies at the threshold of widespread literacy has not assisted our understanding of how such literacy altered ancient Greek society, in particular its political culture. The discovery of what Goody has called the “enabling effects” of literacy in contemporary societies tends to seduce the observer into confusing often rudimentary knowledge of how to read with popular access to important books and documents: this confusion is then projected onto ancient societies. “In ancient Greece,” Goody writes, “alphabetic reading and writing was important for the development of political democracy.”

An examination of the ancient Greek city Athens exemplifies how this sort of confusion is detrimental to understanding ancient politics. In Athens, the early development of a written law code was retrospectively mythologized as the critical factor in breaking the power monopoly of the old aristocracy: hence the Greek tradition of the “law-giver,” which has captured the imaginations of scholars like Goody. But the application and efficacy of all law codes depend on their interpretation by magistrates and courts, and unless the right of interpretation is “democratized,” the mere existence of written laws changes little.

In fact, never in antiquity did any but the elite consult documents and books. Even in Greek courts the juries heard only the relevant statutes read out during the proceedings, as they heard verbal testimony, and they then rendered their verdict on the spot, without the benefit of any discussion among themselves. True, in Athens the juries were representative of a broad spectrum of the population, and these juries, drawn from diverse social classes, both interpreted what they had heard and determined matters of fact. However, they guided solely by the speeches prepared for the parties by professional pleaders and by the quotations of laws or decrees within the speeches, rather than by their own access to any kind of document or book.

Granted, people today also rely heavily on a truly knowledgeable minority for information and its interpretation, often transmitted orally. Yet this is still fundamentally different from an ancient society in which there was no “popular literature,” i.e., no newspapers, magazines, or other media that dealt with sociopolitical issues. An ancient law code would have been analogous to the Latin Bible, a venerated document but a closed book. The resistance of the medieval Church to vernacular translations of the Bible, in the West at least, is therefore a pointer to the realities of ancient literacy. When fundamental documents are accessible for study only to an elite, the rest of the society is subject to the elite’s interpretation of the rules of behavior, including right political behavior. Athens, insofar as it functioned as a democracy, did so not because of widespread literacy, but because the elite had chosen to accept democratic institutions.

14. Which one of the following statements best expresses the main idea of the passage?
- (A) Democratic political institutions grow organically from the traditions and conventions of a society.
  - (B) Democratic political institutions are not necessarily the outcome of literacy in a society.
  - (C) Religious authority, like political authority, can determine who in a given society will have access to important books and documents.



- (D) Those who are best educated are most often those who control the institutions of authority in a society.
- (E) Those in authority have a vested interest in ensuring that those under their control remain illiterate.
15. It can be inferred from the passage that the author assumes which one of the following about societies in which the people possess a rudimentary reading ability?
- (A) They are more politically advanced than societies without rudimentary reading ability.
- (B) They are unlikely to exhibit the positive effects of literacy.
- (C) They are rapidly evolving toward widespread literacy.
- (D) Many of their people might not have access to important documents and books.
- (E) Most of their people would not participate in political decision-making.
16. The author refers to the truly knowledgeable minority in contemporary societies in the context of the fourth paragraph in order to imply which one of the following?
- (A) Because they have a popular literature that closes the gap between the elite and the majority, contemporary societies rely far less on the knowledge of experts than did ancient societies.
- (B) Contemporary societies rely on the knowledge of experts, as did ancient societies, because contemporary popular literature so frequently conveys specious information.
- (C) Although contemporary societies rely heavily on the knowledge of experts, access to popular literature makes contemporary societies less dependent on experts for information about rules of behavior than were ancient societies.
- (D) While only some members of the elite can become experts, popular literature gives the majority in contemporary society an opportunity to become members of such an elite.
- (E) Access to popular literature distinguishes ancient from contemporary societies because it relies on a level of educational achievement attainable only by a contemporary elite.
17. According to the passage, each of the following statements concerning ancient Greek juries is true EXCEPT:
- (A) They were somewhat democratic insofar as they were composed largely of people from the lowest social classes.
- (B) They were exposed to the law only insofar as they heard relevant statutes read out during legal proceedings.
- (C) They ascertained the facts of a case and interpreted the laws.
- (D) They did not have direct access to important books and documents that were

available to the elite.

- (E) They rendered verdicts without benefit of private discussion among themselves.
18. The author characterizes the Greek tradition of the “law-giver” (line 21) as an effect mythologizing most probably in order to
- (A) illustrate the ancient Greek tendency to memorialize historical events by transforming them into myths
  - (B) convey the historical importance of the development of the early Athenian written law code
  - (C) convey the high regard in which the Athenians held their legal tradition
  - (D) suggest that the development of a written law code was not primarily responsible for diminishing the power of the Athenian aristocracy
  - (E) suggest that the Greek tradition of the “law-giver” should be understood in the larger context of Greek mythology
19. The author draws an analogy between the Latin Bible and an early law code (lines 49-51) in order to make which one of the following points?
- (A) Documents were considered authoritative in premodern society in proportion to their inaccessibility to the majority.
  - (B) Documents that were perceived as highly influential in premodern societies were not necessarily accessible to the society’s majority.
  - (C) What is most revered in a nondemocratic society is what is most frequently misunderstood.
  - (D) Political documents in premodern societies exerted a social influence similar to that exerted by religious documents.
  - (E) Political documents in premodern societies were inaccessible to the majority of the population because of the language in which they were written.
20. The primary purpose of the passage is to
- (A) argue that a particular method of observing contemporary societies is inconsistent
  - (B) point out the weaknesses in a particular approach to understanding ancient societies
  - (C) present the disadvantages of a particular approach to understanding the relationship between ancient and contemporary societies
  - (D) examine the importance of developing an appropriate method for understanding ancient societies
  - (E) convey the difficulty of accurately understanding attitudes in ancient societies

The English who in the seventeenth and eighteenth centuries inhabited those colonies that would later become the United States shared a common political vocabulary with the English in England. Steeped as they were in the English political language, these colonials failed to

observe that their experience in America had given the words a significance quite different from that accepted by the English with whom they debated; in fact, they claimed that they were more loyal to the English political tradition than were the English in England.

In many respects the political institutions of England were reproduced in these American colonies. By the middle of eighteenth century, all of these colonies except four were headed by Royal Governors appointed by the King and perceived as bearing a relation to the people of the colony similar to that of the King to the English people. Moreover, each of these colonies enjoyed a representative assembly, which was consciously modeled, in powers and practices, after the English Parliament. In both England and these colonies, only property holders could vote.

Nevertheless, though English and colonial institutions were structurally similar, attitudes toward those institutions differed. For example, English legal development from the early seventeenth century had been moving steadily toward the absolute power of Parliament. The most unmistakable sign of this tendency was the legal assertion that the King was subject to the law. Together with this resolute denial of the absolute right of kings went the assertion that Parliament was unlimited in its power: it could change even the Constitution by its ordinary acts of legislation. By the eighteenth century the English had accepted the idea that the parliamentary representatives of the people were omnipotent.

The citizens of these colonies did not look upon the English Parliament with such fond eyes, nor did they concede that their own assemblies possessed such wide powers. There were good historical reasons for this. To the English the word "constitution" meant the whole body of law and legal custom formulated since the beginning of the kingdom, whereas to these colonials a constitution was a specific written document, enumerating specific powers. This distinction in meaning can be traced to the fact that the foundations of government in the various colonies were written charters granted by the Crown. These express authorizations to govern were tangible, definite things. Over the years these colonial had often repaired to the charters to justify themselves in the struggle against tyrannical governors or officials of the Crown. More than a century of government under written constitutions convinced these colonists of the necessity for and efficacy of protecting their liberties against governmental encroachment by explicitly defining all governmental powers in a document.

21. Which one of the following best expresses the main idea of the passage?
- (A) The colonials and the English mistakenly thought that they shared a common political vocabulary.
  - (B) The colonials and the English shared a variety of institutions.
  - (C) The colonials and the English had conflicting interpretations of the language and institutional structures that they shared.
  - (D) Colonial attitudes toward English institutions grew increasingly hostile in the eighteenth century.
  - (E) Seventeenth-century English legal development accounted for colonial attitudes toward constitutions.
22. The passage supports all of the following statements about the political conditions present by the middle of the eighteenth century in the American

colonies discussed in the passage EXCEPT:

- (A) Colonials who did not own property could not vote.
- (B) All of these colonies had representative assemblies modeled after the British Parliament.
- (C) Some of these colonies had Royal Governors.
- (D) Royal Governors could be removed from office by colonial assemblies.
- (E) In these colonies, Royal Governors were regarded as serving a function like that of a king.

23. The passage implies which one of the following about English kings prior to the early seventeenth century?

- (A) They were the source of all law.
- (B) They frequently flouted laws made by Parliament.
- (C) Their power relative to that of Parliament was considerably greater than it was in the eighteenth century.
- (D) They were more often the sources of legal reform than they were in the eighteenth century.
- (E) They had to combat those who believed that the power of Parliament was absolute.

24. The author mentions which one of the following as evidence for the eighteenth-century English attitude toward Parliament?

- (A) The English had become uncomfortable with institutions that could claim absolute authority.
- (B) The English realized that their interests were better guarded by Parliament than by the King.
- (C) The English allowed Parliament to make constitutional changes by legislative enactment.
- (D) The English felt that the King did not possess the knowledge that could enable him to rule responsibly.
- (E) The English had decided that it was time to reform their representative government.

25. The passage implies that the colonials discussed in the passage would have considered which one of the following to be a source of their debates with England?

- (A) their changed use of the English political vocabulary
- (B) English commitment to parliamentary representation
- (C) their uniquely English experience
- (D) their refusal to adopt any English political institutions
- (E) their greater loyalty to the English political traditions

26. According to the passage, the English attitude toward the English Constitution differed from the colonial attitude toward constitutions in that the English regarded their Constitution as
- (A) the legal foundation of the kingdom
  - (B) a document containing a collection of customs
  - (C) a cumulative corpus of legislation and legal traditions
  - (D) a record alterable by royal authority
  - (E) an unchangeable body of governmental powers
27. The primary purpose of the passage is to
- (A) expose the misunderstanding that has characterized descriptions of the relationship between seventeenth and eighteenth-century England and certain of its American colonies
  - (B) suggest a reason for England's treatment of certain of its American colonies in the seventeenth and eighteenth centuries
  - (C) settle an ongoing debate about the relationship between England and certain of its American colonies in the seventeenth and eighteenth centuries
  - (D) interpret the events leading up to the independence of certain of England's American colonies in the eighteenth century
  - (E) explain an aspect of the relationship between England and certain of its American colonies in the seventeenth and eighteenth centuries

**LSAT 11 SECTION III**

**Time 35 minutes 26 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.*

Oil companies need offshore platforms primarily because the oil or natural gas the companies extract from the ocean floor has to be processed before pumps can be used to move the substances ashore. But because processing crude (unprocessed oil or gas) on a platform rather than at facilities onshore exposes workers to the risks of explosion and to an unpredictable environment, researchers are attempting to diminish the need for human labor on platforms and even to eliminate platforms altogether by redesigning two kinds of pumps to handle crude. These pumps could then be used to boost the natural pressure driving the flow of crude, which, by itself, is sufficient only to bring the crude to the platform, located just above the wellhead. Currently, pumps that could boost this natural pressure sufficiently to drive the crude through a pipeline to the shore do not work consistently because of the crude's content. Crude may consist of oil or natural gas in multiphase states—combinations of liquids, gases, and solids under pressure—that do not reach the wellhead in constant proportions. The flow of crude oil, for example, can change quickly from 60 percent liquid to 70 percent gas. This surge

in gas content causes loss of “head”, or pressure inside a pump, with the result that a pump can no longer impart enough energy to transport the crude mixture through the pipeline and to the shore.

Of two pumps being redesigned, the positive-displacement pump is promising because it is immune to sudden shifts in the proportion of liquid to gas in the crude mixture. But the pump’s design, which consists of a single or twin screw pushing the fluid from one end of the pump to the other, brings crude into close contact with most parts of the pump, and thus requires that it be made of expensive, corrosion-resistant material. The alternative is the centrifugal pump, which has a rotating impeller that sucks fluid in at one end and forces fluid out at the other. Although this pump has a proven design and has worked for years with little maintenance in waste-disposal plants, researchers have discovered that because the swirl of its impeller separates gas out from the oil that normally accompanies it, significant reductions in head can occur as it operates.

Research in the development of these pumps is focused mainly on trying to reduce the cost of the positive-displacement pump and attempting to make the centrifugal pump more tolerant of gas. Other researchers are looking at ways of adapting either kind of pump for use underwater, so that crude could be moved directly from the sea bottom to processing facilities onshore, eliminating platforms.

1. Which one of following best expresses the main idea of the passage?
  - (A) Oil companies are experimenting with technologies that may help diminish the danger to workers from offshore crude processing.
  - (B) Oil companies are seeking methods of installing processing facilities underwater.
  - (C) Researchers are developing several new pumps designed to enhance human labor efficiency in processing facilities.
  - (D) Researchers are seeking to develop equipment that would preempt the need for processing facilities onshore.
  - (E) Researchers are seeking ways to separate liquids from gases in crude in order to enable safer processing.
2. The passage supports which one of the following statements about the natural pressure driving the flow of crude?
  - (A) It is higher than that created by the centrifugal pump.
  - (B) It is constant regardless of relative proportions of gas and liquid.
  - (C) It is able to carry the crude only as far as the wellhead.
  - (D) It is able to carry the crude to the platform.
  - (E) It is able to carry the crude to the shore.
3. Which one of the following best describes the relationship of the second paragraph to the passage as a whole?
  - (A) It offers concrete detail designed to show that the argument made in the first paragraph is flawed.



- (B) It provides detail that expands upon the information presented in the first paragraph.
- (C) It enhances the author's discussion by objectively presenting in detail the pros and cons of a claim made in the first paragraph.
- (D) It detracts from the author's discussion by presenting various problems that qualify the goals presented.
- (E) It modifies an observation made in the first paragraph by detailing viewpoints against it.
4. Which one of the following phrases, if substituted for the word "head" in line 47, would LEAST change the meaning of the sentence?
- (A) the flow of the crude inside the pump
- (B) the volume of oil inside the pump
- (C) the volume of gas inside the pump
- (D) the speed of the impeller moving the crude
- (E) the pressure inside of the pump
5. With which one of the following statements regarding offshore platforms would the author most likely agree?
- (A) If a reduction of human labor on offshore platform is achieved, there is no real need to eliminate platforms altogether.
- (B) Reducing human labor on offshore platforms is desirable because researchers' knowledge about the transportation of crude is dangerously incomplete.
- (C) The dangers involved in working on offshore platforms make their elimination a desirable goal.
- (D) The positive-displacement pump is the better alternative for researchers, because it would allow them to eliminate platforms altogether.
- (E) Though researchers have succeeded in reducing human labor on offshore platforms, they think that it would be inadvisable to eliminate platforms altogether, because these platforms have other uses.
6. Which one of the following can be inferred from the passage about pumps that are currently available to boost the natural pressure of crude?
- (A) The efficiency of these pumps depends on there being no gas in the flow of crude.
- (B) These pumps are more efficient when the crude is less subject to sudden increases in the proportion of gas to liquid.
- (C) A sudden change from solid to liquid in the flow of crude increases the efficiency of these pumps.
- (D) The proportion of liquid to gas in the flow of crude does not affect the efficiency of these pumps.
- (E) A sudden change from liquid to gas in the flow of crude increases the risk of

explosion due to rising pressure inside these pumps.

7. The passage implies that the positive-displacement pump differs from the centrifugal pump in that the positive-displacement pump
- (A) is more promising, but it also is more expensive and demands more maintenance
  - (B) is especially well researched, since it has been used in other settings
  - (C) involves the use of a single or twin screw that sucks fluid in at one end of the pump
  - (D) is problematic because it causes rapid shifts from liquid to gas content in crude
  - (E) involves exposure of many parts of the pump to crude
8. The passage implies that the current state of technology necessitates that crude be moved to shore
- (A) in a multiphase state
  - (B) in equal proportions of gas to liquid
  - (C) with small proportions of corrosive material
  - (D) after having been processed
  - (E) largely in the form of a liquid

To critics accustomed to the style of fifteenth-century narrative paintings by Italian artists from Tuscany, the Venetian examples of narrative paintings with religious subjects that Patricia Fortini Brown analyzes in a recent book will come as a great surprise. While the Tuscan paintings present large-scale figures, clear narratives, and simple settings, the Venetians filled their pictures with dozens of small figures and elaborate buildings, in addition to a wealth of carefully observed anecdotal detail often irrelevant to the paintings' principal subjects—the religious stories they narrate. Although it occasionally obscured these stories, this accumulation of circumstantial detail from Venetian life—the inclusion of prominent Venetian citizens, for example—was considered appropriate to the narration of historical subjects and underlined the authenticity of the historical events depicted. Indeed, Brown argues that the distinctive style of the Venetian paintings—what she calls the “eyewitness style”—was influenced by Venetian affinity for a strongly parochial type of historical writing, consisting almost exclusively of vernacular chronicles of local events embroidered with all kinds of inconsequential detail.

And yet, while Venetian attitudes toward history that are reflected in their art account in part for the difference in style between Venetian and Tuscan narrative paintings, Brown has overlooked some practical influences, such as climate. Tuscan churches are filled with frescoes that, in contrast to Venetian narrative paintings, consist mainly of large figures and easily recognized religious stories, as one would expect of paintings that are normally viewed from a distance and are designed primarily to remind the faithful of their religious tenets. In Venice, where the damp climate is unsuited to fresco, narrative frescoes in churches were almost nonexistent, with the result that Venetian artists and their public had no practical experience of the large-scale representation of familiar religious stories. Their model for painted stories was the **cycle** of secular historical paintings in the Venetian magistrate's palace, which were indeed the counterpart of written history and were made all the more authoritative by a proliferation of

circumstantial detail.

Moreover, because painting frescoes requires an unusually sure hand, particularly in the representation of human form, the development of drawing skill was central to artistic training in Tuscany, and by 1500 the public there tended to distinguish artists on the basis of how well they could draw human figures. In Venice, a city virtually without frescoes, this kind of skill was acquired and appreciated much later. Gentile Bellini, for example, although regarded as one of the supreme painters of the day, was feeble at drawing. On the other hand, the emphasis on architecture so evident in the Venetian narrative paintings was something that local painters obviously prized, largely because painting architecture in perspective was seen as a particular test of the Venetian painter's skill.

9. Which one of the following best states the main idea of the passage?
- (A) Tuscan painters' use of fresco explains the prominence of human figures in the narrative paintings that they produced during the fifteenth century.
  - (B) In addition to fifteenth-century Venetian attitudes toward history, other factors may help to explain the characteristic features of Venetian narrative paintings with religious subjects produced during that period.
  - (C) The inclusion of authentic detail from Venetian life distinguished fifteenth-century Venetian narrative paintings from those that were produced in Tuscany.
  - (D) Venetian painters were generally more skilled at painting buildings than Tuscan painters were at drawing human forms.
  - (E) The cycle of secular historical paintings in the Venetian magistrate's palace was the primary narrative paintings with religious subjects.
10. In the passage, the author is primarily concerned with
- (A) Pointing out the superiority of one painting style over another.
  - (B) Citing evidence that requires a reevaluation of a conventionally held view.
  - (C) Discussing factors that explain a difference in painting styles.
  - (D) Outlining the strengths and weaknesses of two opposing views regarding the evolution of a painting style.
  - (E) Arguing for the irrelevance of one theory and for its replacement by a more plausible alternative.
11. As it is described in the passage, Brown's explanation of the use of the eyewitness style in Venetian narrative painting suggests that
- (A) The painting of architecture in perspective requires greater drawing skill than does the representation of a human form in a fresco.
  - (B) Certain characteristics of a style of painting can reflect a style of historical writing that was common during the same period.
  - (C) The eyewitness style in Venetian narrative paintings with religious subjects was largely the result of the influence of Tuscan artists who worked primarily in fresco.

- (D) The historical detail in Venetian narrative paintings with religious subjects can be traced primarily to the influence of the paintings in the Venetian magistrate's palace.
- (E) A style of painting can be dramatically transformed by a sudden influx of artists from another region.
12. The author suggests that fifteenth-century Venetian narrative paintings with religious subjects were painted by artists who
- (A) were able to draw human figures with more skill after they were apprenticed to painters in Tuscany
- (B) assumed that their paintings would typically be viewed from a distance
- (C) were a major influence on the artists who produced the cycle of historical paintings in the Venetian magistrate's palace
- (D) were reluctant to paint frescoes primarily because they lacked the drawing skill that painting frescoes required
- (E) were better at painting architecture in perspective than they were at drawing human figures
13. The author implies that Venetian narrative paintings with religious subjects included the representation of elaborate buildings in part because
- (A) the ability to paint architecture in perspective was seen in Venice as proof of a painter's skill
- (B) the subjects of such paintings were often religious stories
- (C) large frescoes were especially conducive to representing architecture in perspective
- (D) the architecture of Venice in the fifteenth century was more elaborate than was the architecture of Tuscany
- (E) the paintings were imitations of a kind of historical writing that was popular in Tuscany
14. Which one of the following, if true, would most weaken the author's contention that fifteenth-century Venetian artists "had no practical experience of the large-scale representation of familiar religious stories" (line 40-42)?
- (A) The style of secular historical paintings in the palace of the Venetian magistrate was similar to that of Venetian narrative paintings with religious subjects.
- (B) The style of the historical writing produced by fifteenth-century Venetian authors was similar in its inclusion of anecdotal details to secular paintings produced during that century in Tuscany.
- (C) Many of the artists who produced Venetian narrative paintings with religious subjects served as apprentices in Tuscany, where they had become familiar with the technique of painting of frescoes.
- (D) Few of the frescoes painted in Tuscany during the fifteenth century had

secular subjects, and those that did often betrayed the artist's inability to represent elaborate architecture in perspective.

- (E) Few of the Venetian narrative paintings produced toward the end of the fifteenth century show evidence of the enhanced drawing skill that characterized the paintings produced in Venice a century later.

Currently, legal scholars agree that in some cases legal rules do not specify a definite outcome. These scholars believe that such indeterminacy results from the vagueness of language: the boundaries of the application of a term are often unclear. Nevertheless, they maintain that the system of legal rules by and large rests on clear core meanings that do determine definite outcomes for most cases. Contrary to this view, an earlier group of legal philosophers, called "realists," argued that indeterminacy pervades every part of the law.

The realists held that there is always a cluster of rules relevant to the decision in any litigated case. For example, deciding whether an aunt's promise to pay her niece a sum of money if she refrained from smoking is enforceable would involve a number of rules regarding such issues as offer, acceptance, and revocation. Linguistic vagueness in any one of these rules would affect the outcome of the case, making possible multiple points of indeterminacy, not just one or two, in any legal case.

For the realists, an even more damaging kind of indeterminacy stems from the fact that in a common-law system based on precedent, a judge's decision is held to be binding on judges in subsequent similar cases. Judicial decisions are expressed in written opinions, commonly held to consist of two parts: the holding (the decision for or against the plaintiff and the essential grounds or legal reasons for it, that is, what subsequent judges are bound by), and the dicta (everything in an opinion not essential to the decision, for example, comments about points of law not treated as the basis of the outcome). The realists argued that in practice the common-law system treats the "holding/dicta" distinction loosely. They pointed out that even when the judge writing an opinion characterizes part of it as "the holding," judges writing subsequent opinions, although unlikely to dispute the decision itself, are not bound by the original judge's perception of what was essential to the decision. Later judges have tremendous leeway in being able to redefine the holding and the dicta in a precedential case. This leeway enables judges to choose which rules of law formed the basis of the decision in the earlier case. When judging almost any case, then, a judge can find a relevant precedential case which, in subsequent opinions, has been read by one judge as stating one legal rule, and by another judge as stating another, possibly contradictory one. A judge thus faces an indeterminate legal situation in which he or she has to choose which rules are to govern the case at hand.

15. According to the passage, the realists argued that which one of the following is true of a common-law system?
- (A) It gives rise to numerous situations in which the decisions of earlier judges are found to be in error by later judges.
- (B) It possesses a clear set of legal rules in theory, but in practice most judges are unaware of the strict meaning of those rules.
- (C) Its strength lies in the requirement that judges decide cases according to precedent rather than according to a set of abstract principles.

- (D) It would be improved if judges refrained from willfully misinterpreting the written opinions of prior judges.
- (E) It treats the difference between the holding and the dicta in a written opinion rather loosely in practice.
16. According to the passage, which one of the following best describes the relationship between a judicial holding and a judicial decision?
- (A) The holding is not commonly considered binding on subsequent judges, but the decision is.
- (B) The holding formally states the outcome of the case, while the decision explains it.
- (C) The holding explains the decision but does not include it.
- (D) The holding consists of the decision and the dicta.
- (E) The holding sets forth and justifies a decision.
17. The information in the passage suggests that the realists would most likely have agreed with which one of the following statements about the reaction of judges to past interpretations of a precedential case, each of which states a different legal rule?
- (A) The judges would most likely disagree with one or more of the interpretations and overturn the earlier judges' decisions.
- (B) The judges might differ from each other concerning which of the interpretations would apply in a given case.
- (C) The judges probably would consider themselves bound by all the legal rules stated in the interpretations.
- (D) The judges would regard the lack of unanimity among interpretations as evidence that no precedents existed.
- (E) The judges would point out in their holdings the inherent contradictions arising from the earlier judges' differing interpretations.
18. It can be inferred from the passage that most legal scholars today would agree with the realists that
- (A) Linguistic vagueness can cause indeterminacy regarding the outcome of a litigated case.
- (B) In any litigated case, several different and possibly contradictory legal rules are relevant to the decision of the case.
- (C) The distinction between holding and dicta in a written opinion is usually difficult to determine in practice.
- (D) The boundaries of applicability of terms may sometimes be difficult to determine, but the core meanings of the terms are well established.
- (E) A common-law system gives judges tremendous leeway in interpreting precedents, and contradictor readings of precedential cases can usually be found.



19. The passage suggests that the realists believed which one of the following to be true of the dicta in a judge's written opinion?
- (A) The judge writing the opinion is usually careful to specify those parts of the opinion he or she considers part of the dicta.
  - (B) The appropriateness of the judge's decision would be disputed by subsequent judges on the basis of legal rules expressed in the dicta.
  - (C) A consensus concerning what constitutes the dicta in a judge's opinion comes to be fixed over time as subsequent similar cases are decided.
  - (D) Subsequent judges can consider parts of what the original judge saw as the dicta to be essential to the original opinion.
  - (E) The judge's decision and the grounds for it are usually easily distinguishable from the dicta.
20. Which one of the following best describes the overall organization of the passage?
- (A) A traditional point of view is explained and problems arising from it are described.
  - (B) Two conflicting systems of thought are compared point for point and then evaluated.
  - (C) A legal concept is defined and arguments justifying that definition are refuted.
  - (D) Two viewpoints on an issue are briefly described and one of those viewpoints is discussed at greater length.
  - (E) A theoretical description of how a system develops is contrasted with the actual practices characterizing the system.
21. Which one of the following titles best reflects the content of the passage?
- (A) Legal Indeterminacy: The Debate Continues
  - (B) Holding Versus Dicta: A Distinction Without a Difference
  - (C) Linguistic Vagueness: Is It Circumscribed in Legal Terminology?
  - (D) Legal Indeterminacy: The Realist's View of Its Scope
  - (E) Legal Rules and the Precedential System: How Judges Interpret the Precedents

Years after the movement to obtain civil rights for black people in the United States made its most important gains, scholars are reaching for a theoretical perspective capable of clarifying its momentous developments. New theories of social movements are being discussed, not just among social psychologists, but also among political theorists.

Of the many competing formulations of the "classical" social psychological theory of social movement, three are prominent in the literature on the civil rights movement: "rising expectations," "relative deprivation," and "J-curve." Each conforms to a causal sequence characteristic of classical social movement theory, linking some unusual condition, or "system strain," to the generation of unrest. When these versions of the classical theory are applied to the civil rights movement, the source of strain is identified as a change in black socioeconomic

status that occurred shortly before the widespread protest activity of the movement.

For example, the theory of rising expectations asserts that protest activity was a response to psychological tensions generated by gains experienced immediately prior to the civil rights movement. Advancement did not satisfy ambition, but created the desire for further advancement. Only slightly different is the theory of relative deprivation. Here the impetus to protest is identified as gains achieved during the premovement period, **coupled with** simultaneous failure to make any appreciable headway relative to the dominant group. The J-curve theory argues that the movement occurred because a prolonged period of rising expectations and gratification was followed by a sharp reversal.

Political theorists have been dismissive of these applications of classical theory to the civil rights movement. Their arguments **rest on** the conviction that, implicitly, the classical theory trivializes the political ends of movement participants, focusing rather on presumed psychological dysfunctions: reduction of complex social situations to simple paradigms of stimulus and response obviates the relevance of all but the shortest-term analysis. Furthermore, the theories lack predictive value: “strain” is always present to some degree, but social movement is not. How can we know which strain will provoke upheaval?

These very legitimate complaints having frequently been made, it remains to find a means of testing the strength of the theories. Problematically, while proponents of the various theories have contradictory interpretations of socioeconomic conditions leading to the civil rights movement, examination of various statistical records regarding the material status of black Americans yields ample evidence to support any of the three theories. The steady rise in median black family income supports the rising expectations hypothesis; the stability of the economic position of black **vis-à-vis** white Americans lends credence to the relative deprivation interpretation; unemployment data are consistent with the J-curve theory. A better test is the comparison of each of these economic indicators with the frequency of movement-initiated events reported in the press; unsurprisingly, none correlates significantly with the pace of reports about movement activity.

22. It can be inferred from the passage that the classical theory of social movement would not be appropriately applied to an annual general election because such an election
- (A) may focus on personalities rather than on political issues
  - (B) is not provoked primarily by an unusual condition
  - (C) may be decided according to the psychological needs of voters
  - (D) may not entail momentous developments
  - (E) actually entails two or more distinct social movements
23. According to the passage, the “rising expectations” and “relative deprivation” models differ in which one of the following ways?
- (A) They predict different responses to the same socioeconomic conditions.
  - (B) They disagree about the relevance of psychological explanations for protest movements.
  - (C) They are meant to explain different kinds of social change.

- (D) They describe the motivation of protesters in slightly different ways.
- (E) They disagree about the relevance of socioeconomic status to system strain.
24. The author implies that political theorists attribute which one of the following assumptions to social psychologists who apply the classical theory of social movements to the civil rights movement?
- (A) Participants in any given social movement have conflicting motivations.
- (B) Social movements are ultimately beneficial to society.
- (C) Only strain of a socioeconomic nature can provoke a social movement.
- (D) The political ends of movement participants are best analyzed in terms of participants' psychological motivations.
- (E) Psychological motivations of movement participants better illuminate the causes of social movements than do participants' political motivations.
25. Which one of the following statements is supported by the results of the "better test" discussed in the last paragraph of the passage?
- (A) The test confirms the three classical theories discussed in the passage.
- (B) The test provides no basis for deciding among the three classical theories discussed in the passage.
- (C) The test shows that it is impossible to apply any theory of social movements to the civil rights movement.
- (D) The test indicates that press coverage of the civil rights movement was biased.
- (E) The test verifies that the civil rights movement generated socioeconomic progress.
26. The validity of the "better test" (line 65) as proposed by the author might be undermined by the fact that
- (A) the press is selective about the movement activities it chooses to cover
- (B) not all economic indicators receive the same amount of press coverage
- (C) economic indicators often contradict one another
- (D) a movement-initiated event may not correlate significantly with any of the three economic indicators
- (E) the pace of movement-initiated events is difficult to anticipate
27. The main purpose of the passage is to
- (A) Persuade historians of the indispensability of a theoretical framework for understanding recent history.
- (B) Present a new model of social movement.
- (C) Account for a shift in a theoretical debate.
- (D) Show the unity underlying the diverse classical models of social movement.
- (E) Discuss the reasoning behind and shortcomings of certain social

psychological theories.

### **LSAT 12 SECTION III**

**Time 35 minutes 26 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.*

Nearly every writer on the philosophy of civil rights activist Martin Luther King, Jr., makes a connection between King and Henry David Thoreau, usually via Thoreau's famous essay, "Civil Disobedience" (1849). In his book *Stride Toward Freedom* (1958), King himself stated that Thoreau's essay was his first intellectual contact with the theory of passive resistance to governmental laws that are perceived as morally unjust. However, this emphasis on Thoreau's influence on King is unfortunate: first, King would not have agreed with many other aspects of Thoreau's philosophy, including Thoreau's ultimate acceptance of violence as a form of protest; second, an overemphasis on the influence of one essay has kept historians from noting other correspondences between King's philosophy and **transcendentalism**. "Civil Disobedience" was the only example of transcendentalist writing with which King was familiar, and in many other transcendentalist writings, including works by Ralph Waldo Emerson and Margaret Fuller, King would have found ideas more nearly akin to his own.

The kind of civil disobedience King had in mind was, in fact, quite different from Thoreau's view of **civil disobedience**. Thoreau, like most other transcendentalists, was primarily interested in reform of the individual, whereas King was primarily interested in reform of society. As a protest against the Mexican War, Thoreau refused to pay taxes, but he did not hope by his action to force a change in national policy. While he encouraged others to adopt similar protests, he did not attempt to mount any mass protest action against unjust laws. In contrast to Thoreau, King began to advocate the use of mass civil disobedience to effect revolutionary changes within the social system.

However, King's writings suggest that, without realizing it, he was an incipient transcendentalist. Most transcendentalists subscribed to the concept of "higher law" and included civil disobedience to unjust laws as part of their strategy. They often invoked the concept of higher law to justify their opposition to slavery and to advocate disobedience to the strengthened Fugitive Slave Law of 1850. In his second major book, King's discussion of just and unjust laws and the responsibility of the individual is very similar to the transcendentalists' discussion of higher law. In reference to how one can advocate breaking some laws and obeying others, King notes that there are two types of laws, just and unjust; he describes a just law as a "code that **squares with the moral law**" and an unjust law as a "code that is out of harmony with the moral law." Thus, King's opposition to the injustice of legalized segregation in the twentieth century is philosophically akin to the transcendentalists' opposition to the Fugitive Slave Law in the nineteenth century.

1. Which one of the following best states the main idea of the passage?  
(A) King's philosophy was more influenced by Thoreau's essay on civil

- disobedience than by any other writing of the transcendentalists.
- (B) While historians may have overestimated Thoreau's influence on King, King was greatly influenced by a number of the transcendentalist philosophers.
- (C) Thoreau's and King's views on civil disobedience differed in that King was more concerned with the social reform than with the economic reform of society.
- (D) Although historians have overemphasized Thoreau's influence on King, there are parallels between King's philosophy and transcendentalism that have not been fully appreciated.
- (E) King's ideas about law and civil disobedience were influenced by transcendentalism in general and Thoreau's essays in particular.
2. Which one of the following statements about "Civil Disobedience" would the author consider most accurate?
- (A) It was not King's first contact with the concept of passive resistance to unjust laws.
- (B) It was one of many examples of transcendentalist writing with which King was familiar.
- (C) It provided King with a model for using passive resistance to effect social change.
- (D) It contains a number of ideas with which other transcendentalists strongly disagreed.
- (E) It influenced King's philosophy on passive resistance to unjust laws.
3. In the first paragraph, the author is primarily concerned with
- (A) chronicling the development of King's philosophy on passive resistance to unjust law
- (B) suggesting that a common emphasis on one influence on King's philosophy has been misleading
- (C) providing new information about the influence of twentieth-century philosophers on King's work
- (D) summarizing the work of historians of the most important influences on King's philosophy
- (E) providing background information about nineteenth-century transcendentalist philosophers
4. According to the passage, which one of the following is true of Emerson and Fuller?
- (A) Some of their ideas were less typical of transcendentalism than were some of Thoreau's ideas.
- (B) They were more concerned with the reform of society than with the reform of the individual.

- (C) They would have been more likely than Thoreau to agree with King on the necessity of mass protest in civil disobedience.
  - (D) Their ideas about civil disobedience and unjust laws are as well known as Thoreau's are.
  - (E) Some of their ideas were more similar to King's than were some of Thoreau's.
5. According to the passage, King differed from most transcendentalists in that he
- (A) opposed violence as a form of civil protest
  - (B) opposed war as an instrument of foreign policy under any circumstances
  - (C) believed that just laws had an inherent moral value
  - (D) was more interested in reforming society than in reforming the individual
  - (E) protested social and legal injustice in United States society rather than United States foreign policy
6. The passage suggests which one of the following about Thoreau?
- (A) He was the first to develop fully the theory of civil disobedience.
  - (B) His work has had a greater influence on contemporary thinkers than has the work of Emerson and Fuller.
  - (C) His philosophy does not contain all of the same elements as the philosophies of the other transcendentalists.
  - (D) He advocated using civil disobedience to force the federal government to change its policies on war.
  - (E) He is better known for his ideas on social and legal reform than for his ideas on individual reform.
7. The passage provides support for which one of the following statements about the quotations in lines 52-55?
- (A) They are an example of a way in which King's ideas differed from Thoreau's but were similar to the ideas of other transcendentalists.
  - (B) They provide evidence that proves that King's philosophy was affected by transcendentalist thought.
  - (C) They suggest that King, like the transcendentalists, judged human laws by ethical standards.
  - (D) They suggest a theoretical basis for King's philosophy of government.
  - (E) They provide a paraphrase of Thoreau's position on just and unjust laws.

In *Democracies and its Critics*, Robert Dahl defends both democratic value and pluralist democracies, or polyarchies (a rough shorthand term for Western political systems). Dahl argues convincingly that the idea of democracy rests on political equality—the equality capacity of all citizens to determine or influence collective decisions. Of course, as Dahl recognizes, if hierarchical ordering is inevitable in any structure of government, and if no society can guarantee perfect equality in the resources that may give rise to political influence, the democratic principle of political equality is incapable of full realization. So actual systems can be



deemed democratic only as approximations to the ideal. It is on these grounds that Dahl defends polyarchy.

As a representative system in which elected officials both determine government policy and are accountable to a broad-based electorate, polyarchy reinforces a diffusion of power away from any single center and toward a variety of individuals, groups, and organizations. It is this centrifugal characteristic, Dahl argues, that makes polyarchy the nearest possible approximation to the democratic ideal. Polyarchy achieves this diffusion of power through party competition and the operation of pressure groups. Competing for votes, parties seek to offer different sections of the electorate what they most want; they do not ask what the majority thinks of an issue, but what policy commitments will sway the electoral decisions of particular groups. Equally, groups that have strong feelings about an issue can organize in pressure groups to influence public policy.

During the 1960s and 1970s, criticism of the theory of pluralist democracy was vigorous. Many critics pointed to a gap between the model and the reality of Western political systems. They argued that the distribution of power resources other than the vote was so uneven that the political order systematically gave added weight to those who were already richer or organizationally more powerful. So the power of some groups to exclude issues altogether from the political agenda effectively countered any diffusion of influence on decision-making.

Although such criticism became subdued during the 1980s, Dahl himself seems to support some of the earlier criticism. Although he regrets that some Western intellectuals demand more democracy from polyarchies than is possible, and is cautious about the possibility of further democratization, he nevertheless ends his book by asking what changes in structures and consciousness might make political life more democratic in present polyarchies. One answer, he suggests, is to look at the economic order of polyarchies from the point of view of the citizen as well as from that of producers and consumers. This would require a critical examination of both the distribution of those economic resources that are at the same time political resources, and the relationship between political structures and economic enterprises.

8. The characterization of polyarchies as “centrifugal” (line 22) emphasizes the
- (A) way in which political power is decentralized in a polyarchy
  - (B) central role of power resources in a polyarchy
  - (C) kind of concentrated power that political parties generate in a polyarchy
  - (D) dynamic balance that exists between economic enterprises and elected officials in a polyarchy
  - (E) dynamic balance that exists between voters and elected officials in a polyarchy
9. In the third paragraph, the author of the passage refers to criticism of the theory of polyarchy democracy primarily in order to
- (A) refute Dahl’s statement that Western intellectuals expect more democracy from polyarchies than is possible
  - (B) advocate the need for rethinking the basic principles on which the theory of democracy rests

- (C) suggest that the structure of government within pluralist democracies should be changed
  - (D) point out a flaw in Dahl's argument that the principle of political equality cannot be fully realized
  - (E) point out an objection to Dahl's defense of polyarchy
10. According to the passage, the aim of a political party in a polyarchy is to do which one of the following?
- (A) determine what the position of the majority of voters is on a particular issue
  - (B) determine what position on an issue will earn the support of particular groups of voters
  - (C) organize voters into pressure groups in order to influence public policy on a particular issue
  - (D) ensure that elected officials accurately represent the position of the party on specific issue
  - (E) ensure that elected officials accurately represent the position of the electorate on specific issues
11. It can be inferred from the passage that Dahl assumes which one of the following in his defense of polyarchies?
- (A) Polyarchies are limited in the extent to which they can embody the idea of democracy.
  - (B) The structure of polyarchical governments is free of hierarchical ordering.
  - (C) The citizens of a polyarchy have equal access to the resources that provide political influence.
  - (D) Polyarchy is the best political system to foster the growth of political parties.
  - (E) Polyarchy is a form of government that is not influenced by the interests of economic enterprises.
12. Which one of the following is most closely analogous to pluralist democracies as they are described in relation to the democratic principle of political equality?
- (A) an exact copy of an ancient artifact that is on display in a museum
  - (B) a performance of a musical score whose range of tonality cannot be completely captured by any actual instruments
  - (C) a lecture by a former astronaut to a class of young students who would like to be astronauts
  - (D) the commemoration of a historical event each year by a historian presenting a lecture on a topic related to the event
  - (E) the mold from which a number of identical castings of a sculpture are made
13. Which one of the following, if true, would most strengthen Dahl's defense of polyarchy?
- (A) The political agenda in a polyarchy is strongly influenced by how power

resources other than the vote are distributed.

- (B) The outcome of elections is more often determined by the financial resources candidates are able to spend during campaigns than by their stands on political issue.
- (C) Public policy in a polyarchy is primarily determined by decision-makers who are not accountable to elected officials.
- (D) Political parties in a polyarchy help concentrate political power in the central government.
- (E) Small and diverse pressure groups are able to exert as much influence on public policy in a polyarchy as are large and powerful groups.

14. The passage can best be described as

- (A) an inquiry into how present-day polyarchies can be made more democratic
- (B) a commentary on the means pressure groups employ to exert influence within polyarchies
- (C) a description of the relationship between polyarchies and economic enterprises
- (D) a discussion of the strengths and weaknesses of polyarchy as a form of democracy
- (E) an overview of the similarities between political parties and pressure groups in a polyarchy

The old belief that climatic stability accounts for the high level of species diversity in the Amazon River basin of South America emerged, strangely enough, from observations of the deep sea. Sanders discovered high diversity among the mud-dwelling animals of the deep ocean. He argued that such diversity could be attributed to the absence of significant fluctuations in climate and physical conditions, without which the extinction of species should be rare. **In the course of time** new species would continue to evolve, and so the rate of **speciation** would be greater than the rate of extinction, resulting in the accumulation of great diversity. Sanders argued that the Amazon tropical rain forest is analogous to the deep sea: because the rain forest has a stable climate, extinction should be rare. Evidence that some species of rain-forest trees have persisted for some 30 million years in the Amazon basin, added to the absence of winter and glaciation, supports this view.

Recently however, several observations have cast doubt on the validity of the stability hypothesis and suggest that the climate of the Amazon basin has fluctuated significantly in the past. Haffer noted that different species of birds inhabit different corners of the basin in spite of the fact that essentially unbroken green forest spreads from the western edge to the eastern edge of the region. This pattern presented a puzzle to biologists studying the distributions of plants and animals: why would different species inhabit different parts of the forest if the habitat in which they lived had a stable climate?

Haffer proposed a compelling explanation for the distribution of species. Observing that species found on high ground are different from those on low ground and knowing that in the Amazon lowlands are drier than uplands, he proposed that during the ice ages the Amazon

lowlands became a near-desert arid plain; meanwhile, the more elevated regions became islands of moisture and hence served as refuges for the fauna and flora of the rain forest. Populations that were once continuous diverged and became permanently separated. Haffer's hypothesis appears to explain the distribution of species as well as the unusual species diversity. The ice-age refuges would have protected existing species from extinction. But the periodic geographic isolation of related populations (there have been an estimated 13 ice ages to date) would have facilitated the development of new species as existing species on the lowlands adapted to changing climates.

Although no conclusive proof has yet been found to support Haffer's hypothesis, it has led other researchers to gauge the effects of climatic changes, such as storms and flooding, on species diversity in the Amazon basin. Their research suggests that climatic disturbances help account for the splendid diversity of the Amazon rain forest.

15. As discussed in the first paragraph of the passage, Sanders' analogy between the deep sea and the Amazon basin involves which one of the following assumptions?
- (A) Both the Amazon basin and the deep sea support an unusually high rate of speciation.
  - (B) Both the rain-forest trees in the Amazon basin and the mud-dwelling animals in the deep sea have survived for 30 million years.
  - (C) Both the deep sea and the Amazon basin have not experienced dramatic changes in climate or physical conditions.
  - (D) A dependable supply of water to the Amazon basin and the deep sea has moderated the rate of extinction in both habitats.
  - (E) The rate of speciation in the Amazon basin is equivalent to the rate of speciation in the deep sea.
16. The author of the passage would most likely agree with which one of the following statements about Haffer's hypothesis?
- (A) It provides an intriguing and complete explanation for the high rate of species diversity in the Amazon basin.
  - (B) It is partially correct in that a number of climatic disturbances account for species diversity in the Amazon basin.
  - (C) It has not yet been verified, but it has had an influential effect on current research on species diversity in the Amazon basin.
  - (D) It is better than Sanders' theory in accounting for the low rate of species extinction in the Amazon basin.
  - (E) It provides a compelling explanation for the distribution of species in the Amazon basin but does not account for the high species diversity.
17. According to the passage, lowlands in the Amazon basin currently differ from uplands in which one of the following respects?
- (A) Lowlands are desertlike, whereas uplands are lush.

- (B) Lowlands are less vulnerable to glaciation during the ice ages than are uplands.
  - (C) Uplands support a greater diversity of species than do lowlands.
  - (D) Uplands are wetter than are lowlands.
  - (E) Uplands are more densely populated than are lowlands.
18. Which one of the following best describes the organization of the passage?
- (A) A hypothesis is discussed, evidence that undercuts that hypothesis is presented and a new hypothesis that may account for the evidence is described.
  - (B) A recently observed phenomenon is described, an explanation for that phenomenon is discussed, and the explanation is evaluated in light of previous research findings.
  - (C) Several hypotheses that may account for a puzzling phenomenon are described and discounted, and a more promising hypothesis is presented.
  - (D) A hypothesis and the assumptions on which it is based are described, and evidence is provided to suggest that the hypothesis is only partially correct.
  - (E) Two alternative explanations for a phenomenon are presented and compared, and experiments designed to test each theory are described.
19. The author of the passage mentions the number of ice ages in the third paragraph most probably in order to
- (A) provide proof that cooler and drier temperatures are primarily responsible for the distribution of species in the Amazon
  - (B) explain how populations of species were protected from extinction in the Amazon basin
  - (C) explain how most existing species were able to survive periodic climatic disturbances in the Amazon basin
  - (D) suggest that certain kinds of climatic disturbances cause more species diversity than do other kinds of climatic disturbances
  - (E) suggest that geographic isolation may have occurred often enough to cause high species diversity in the Amazon basin
20. The passage suggests that which one of the following is true of Sanders' hypothesis?
- (A) He underestimated the effects of winter and glaciation in the Amazon basin on the tropical rain forest.
  - (B) He failed to recognize the similarity in physical conditions of the Amazon lowlands and the Amazon uplands.
  - (C) He failed to take into account the relatively high rate of extinction during the ice ages in the Amazon basin.
  - (D) He overestimated the length of time that species have survived in the Amazon

basin.

(E) He failed to account for the distribution of species in the Amazon basin.

21. Which one of the following is evidence that would contribute to the “proof” mentioned in line 54?

(A) Accurately dated sediment cores from a freshwater lake in the Amazon indicate that the lake’s water level rose significantly during the last ice age.

(B) Data based on radiocarbon dating of fossils suggest that the Amazon uplands were too cold to support rain forests during the last ice age.

(C) Computer models of climate during global ice ages predict only insignificant reductions of monsoon rains in tropical areas such as the Amazon.

(D) Fossils preserved in the Amazon uplands during the last ice age are found together with minerals that are the products of an arid landscape.

(E) Fossilized pollen from the Amazon lowlands indicates that during the last ice age the Amazon lowlands supported vegetation that needs little water rather than the rain forests they support today.

Although surveys of medieval legislation, guild organization, and terminology used to designate different medical practitioners have demonstrated that numerous medical specialties were recognized in Europe during the **Middle Ages**, most historians continue to equate the term “woman medical practitioner,” wherever they encounter it in medieval records, with “midwife.” This common practice obscures the fact that, although women were not represented on all levels of medicine equally, they were represented in a variety of specialties throughout the broad medical community. A reliable study by Wickersheimer and Jacquart documents that of 7,647 medical practitioners in France during the twelfth through fifteenth centuries, 121 were women; of these, only 44 were identified as midwives, while the rest practiced as physicians, surgeons, apothecaries, barbers, and other healers.

While preserving terminological distinctions somewhat increases the quality of the information extracted from medieval documents concerning women medical practitioners, scholars must also reopen the whole question of why documentary evidence for women medical practitioners comprises such a tiny fraction of the evidence historians of medieval medicine usually present. Is this due to the limitations of the historical record, as has been claimed, or does it also result from the methods historians use? Granted, apart from medical licenses, the principal sources of information regarding medical practitioners available to researchers are wills, property transfers, court records, and similar documents, all of which typically underrepresent women because of restrictive medieval legal traditions. Nonetheless, the parameters researchers choose when they define their investigations may contribute to the problem. Studies focusing on the upper echelons of “learned” medicine, for example, tend to exclude healers on the legal and social fringes of medical practice, where most women would have been found.

The advantages of broadening the scope of such studies is immediately apparent in Pelling and Webster’s study of sixteenth-century London. Instead of focusing solely on officially recognized and licensed practitioners, the researchers defined a medical practitioner as “any individual whose occupation is basically concerned with the care of the sick.” Using this



definition, they found **primary source** information suggesting that there were 60 women medical practitioners in the city of London in 1560. Although this figure may be slightly exaggerated, the evidence contrasts strikingly with that of Gottfried, whose earlier survey identified only 28 women medical practitioners in all of England between 1330 and 1530.

Finally, such studies provide only statistical information about the variety and prevalence of women's medical practice in medieval Europe. Future studies might also make profitable use of analyses developed in other areas of women's history as a basis for exploring the social context of women's medical practice. Information about economic rivalry in medicine, women's literacy, and the control of medical knowledge could add much to our growing understanding of women medical practitioners' role in medieval society.

22. Which one of the following best expresses the main point of the passage?
- (A) Recent studies demonstrate that women medical practitioners were more common in England than in the rest of Western Europe during the Middle Ages.
  - (B) The quantity and quality of the information historians uncover concerning women's medical practice in medieval Europe would be improved if they changed their methods of study.
  - (C) The sparse evidence for women medical practitioners in studies dealing with the Middle Ages is due primarily to the limitations of the historical record.
  - (D) Knowledge about the social issues that influenced the role women medical practitioners played in medieval society has been enhanced by several recent studies.
  - (E) Analyses developed in other areas of women's history could probably be used to provide more information about the social context of women's medical practice during the Middle Ages.
23. Which one of the following is most closely analogous to the error the author believes historians make when they equate the term "woman medical practitioner" with "midwife"?
- (A) equating pear with apple
  - (B) equating science with biology
  - (C) equating supervisor with subordinate
  - (D) equating member with nonmember
  - (E) equating instructor with trainee
24. It can be inferred from the passage that the author would be most likely to agree with which one of the following assertions regarding Gottfried's study?
- (A) Gottfried's study would have recorded a much larger number of women medical practitioners if the time frame covered by the study had included the late sixteenth century.
  - (B) The small number of women medical practitioners identified in Gottfried's study is due primarily to problems caused by inaccurate sources.

- (C) The small number of women medical practitioners identified in Gottfried's study is due primarily to the loss of many medieval documents.
- (D) The results of Gottfried's study need to be considered in light of the social changes occurring in Western Europe during the fourteenth and fifteenth centuries.
- (E) In setting the parameters for his study, Gottfried appears to have defined the term "medical practitioner" very narrowly.
25. The passage suggests that a future study that would be more informative about medieval women medical practitioners might focus on which one of the following?
- (A) the effect of social change on the political and economic structure of medieval society
- (B) the effect of social constraints on medieval women's access to a medical education
- (C) the types of medical specialties that developed during the Middle Ages
- (D) the reasons why medieval historians tend to equate the term "woman medical practitioner" with midwife
- (E) the historical developments responsible for the medieval legal tradition's restrictions on women
26. The author refers to the study by Wickersheimer and Jacquart in order to
- (A) demonstrate that numerous medical specialties were recognized in Western Europe during the Middle Ages
- (B) demonstrate that women are often underrepresented in studies of medieval medical practitioners
- (C) prove that midwives were officially recognized as members of the medical community during the Middle Ages
- (D) prove that midwives were only a part of a larger community of women medical practitioners during the Middle Ages
- (E) prove that the existence of midwives can be documented in Western Europe as early as the twelfth century
27. In the passage, the author is primarily concerned with doing which one of the following?
- (A) describing new methodological approaches
- (B) revising the definitions of certain concepts
- (C) comparing two different analyses
- (D) arguing in favor of changes in method
- (E) chronicling certain historical developments

## Time 35 minutes 26 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.*

Modern architecture has been criticized for emphasizing practical and technical issues at the expense of aesthetic concerns. The high-rise buildings constructed throughout the industrialized world in the 1960s and 1970s provide ample evidence that cost-efficiency and utility have become the overriding concerns of the modern architect. However, Otto Wagner's seminal text on modern architecture, first published in Germany in 1896, indicates that the failure of modern architecture cannot be blamed on the ideals of its founders.

Wagner's *Modern Architecture* called for a new style based on modern technologies and models of construction. He insisted that there could be no return to traditional, preindustrial models; only by accepting wholeheartedly the political and technological revolutions of the nineteenth century could the architect establish the forms appropriate to a modern, urban society. "All modern creation," Wagner wrote, "must correspond to the new materials and demands of the present...must illustrate our own better, democratic, self-confident, ideal nature," and must incorporate the new "colossal technical and scientific achievements" of the age. This would indeed seem to be the basis of a purely materialist definition of architecture, a prototype for the simplistic form-follows-function dogma that opponents have identified as the intellectual basis of modern architecture.

But the picture was more complex, for Wagner was always careful to distinguish between art and engineering. Ultimately, he envisaged the architect developing the skills of the engineer without losing the powers of aesthetic judgment that Wagner felt were unique to the artist. "Since the engineer is seldom a born artist and the architect must learn as a rule to be an engineer, architects will in time succeed in extending their influence into the realm occupied by the engineers, so that legitimate aesthetic demands can be met in a satisfactory way." In this symbiotic relationship essential to Modernism, art was to exercise the controlling influence.

No other prospect was imaginable for Wagner, who was firmly rooted as a designer and, indeed, as a teacher in the Classical tradition. The apparent inconsistency of a confessed Classicist advising against the mechanical imitation of historical models and arguing for new forms appropriate to the modern age created exactly the tension that made Wagner's writings and buildings so interesting. While he justified, for example, the choice of a circular ground plan for churches in terms of optimal sight-lines and the technology of the gasometer, the true inspiration was derived from the centralized churches of the Italian Renaissance. He acknowledged as rationalist that there was no way back to the social and technological conditions that had produced the work of Michelangelo or Fischer von Erlach, but he recognized his emotional attachment to the great works of the Italian Renaissance and Austrian Baroque.

1. Which one of the following best expresses the main idea of the passage?
  - (A) Modern architecture has been criticized for emphasizing practical and technical issues and for failing to focus on aesthetic concerns.

- (B) Critics have failed to take into account the technological innovations and aesthetic features that architects have incorporated into modern buildings.
- (C) Wagner's *Modern Architecture* provides architects with a chronicle of the origins of modern architecture.
- (D) Wagner's *Modern Architecture* indicates that the founders of modern architecture did not believe that practical issues should supersede the aesthetic concerns of the past.
- (E) Wagner's seminal text, *Modern Architecture*, provides the intellectual basis for the purely materialistic definition of modern architecture.
2. According to the passage, Wagner asserts which one of the following about the roles of architect and engineer?
- (A) The architect should make decision about aesthetic issues and leave decision about technical matters to the engineers.
- (B) The engineer has often developed the powers of aesthetic judgment previously thought to be unique to the architect.
- (C) The judgment of the engineer should be as important as the judgment of the architect when decisions are made about aesthetic issues.
- (D) The technical judgment of the engineer should prevail over the aesthetic judgment of the architect in the design of modern buildings.
- (E) The architect should acquire the knowledge of technical matters typically held by the engineer.
3. The passage suggests that Wagner would be LEAST likely to agree with which one of the following statements about classical architecture and the modern architect?
- (A) The modern architect should avoid the mechanical imitation of the models of the Italian Renaissance and Austrian Baroque.
- (B) The modern architect cannot design buildings appropriate to a modern, urban society and still retain emotional attachments to the forms of the Italian Renaissance and Austrian Baroque.
- (C) The modern architect should possess knowledge of engineering as well as of the architecture of the past.
- (D) The modern architect should not base designs on the technological conditions that underlay the design of the models of the Italian Renaissance and Austrian Baroque.
- (E) The designs of modern architects should reflect political ideals different from those reflected in the designs of classical architecture.
4. The passage suggests which one of the following about the quotations from *Modern Architecture* cited in the second paragraph?
- (A) They represent the part of Wagner's work that has had the least influence on the architects who designed the high-rise buildings of the 1960s and 1970s.

- (B) They describe the part of Wagner's work that is most often evoked by proponents of Wagner's ideas on art and technology.
- (C) They do not adequately reflect the complexity of Wagner's ideas on the use of modern technology in architecture.
- (D) They reflect Wagner's active participation in the political revolutions of the nineteenth century.
- (E) They provide an overview of Wagner's ideas on the relationship between art and technology.
5. The author of the passage states which one of the following about the concerns of modern architecture?
- (A) Cost-efficiency, utility, and aesthetic demands are the primary concerns of the modern architect.
- (B) Practical issues supersede aesthetic concerns in the design of many modern buildings.
- (C) Cost-efficiency is more important to the modern architects than are other practical concerns.
- (D) The design of many new buildings suggests that modern architects are still inspired by architectural forms of the past.
- (E) Many modern architects use current technology to design modern buildings that are aesthetically pleasing.
6. The author mentions Wagner's choice of a "circular ground plan for churches" (line 54) most likely in order to
- (A) provide an example of the kinds of technological innovations Wagner introduced into modern architecture
- (B) provide an example of Wagner's dismissal of historical forms from Italian Renaissance
- (C) provide an example of a modern building where technological issues were much less significant than aesthetic demands
- (D) provide evidence of Wagner's tendency to imitate Italian Renaissance and Austrian Baroque models
- (E) provide evidence of the tension between Wagner's commitment to modern technology and to the Classical tradition
7. The passage is primarily concerned with
- (A) summarizing the history of a debate
- (B) explaining a traditional argument
- (C) describing and evaluating a recent approach
- (D) justifying a recent criticism by presenting new evidence
- (E) supporting an assertion by discussing an important work

In order to explain the socioeconomic achievement, **in the face of** disadvantages due to

racial discrimination, of Chinese and Japanese immigration to the United States and their descendants, sociologists have typically applied either culturally based or structurally based theories—but never both together. To use an economic metaphor, culturally based explanations assert the importance of the supply side of the labor market, emphasizing the qualities immigrant groups bring with them for competition in the United States labor market. Such explanations reflect a human-capital perspective in which status attainment is seen as a result of individuals' ability to generate resources. Structurally based explanations, on the other hand, examine the market condition of the immigrants' host society, particularly its discriminatory practices and their impact on the status attainment process of immigrant groups. In the economic metaphor, structural explanations assert the importance of the demand side of the labor market.

In order to understand the socioeconomic mobility of Chinese and Japanese immigrants and their descendants, only an analysis of supply-side and demand-side factors together, in the context of historical events, will suffice. On the cultural or supply side, differences in immigration pattern and family formation resulted in different rates of socioeconomic achievement for Chinese and Japanese immigrants. For various reasons, Chinese immigrants remained sojourners and did not (except for urban merchants) establish families. They were also hampered by ethnic conflict in the labor market. Japanese immigrants, on the other hand, were less constrained, made the transition from sojourner to settler within the first two decades of immigration, and left low-wage labor to establish small businesses based on a household mode of production. Chinese sojourners without families were more vulnerable to demoralization, whereas Japanese immigrants faced societal hostility with the emotional resources provide by a stable family life. Once Chinese immigrants began to establish nuclear families and produce a second generation, instituting household production similar to that established by Japanese immigrants, their socioeconomic attainment soon paralleled that of Japanese immigrants and their descendants.

On the structural or demand side, changes in institutional constraints, immigration laws, labor markets, and societal hostility were rooted in the dynamics of capitalist economic development. Early capitalist development generated a demand for low-wage labor that could not be fulfilled. Early Chinese and Japanese emigration was a response to this demand. In an advanced capitalist economy, the demand for immigrant labor is more differentiated: skilled professional and technical labor fills empty positions in the primary labor market and, with the traditional unskilled low-wage labor, creates two immigrant streams. The high levels of education attained by the descendants of Chinese and Japanese immigrants and their concentration in strategic states such as California paved the way for the movement of the second generation into the expanding primary labor market in the advanced capitalist economy that existed after the Second World War.

8. Which one of the following best expresses the main idea of the passage?
- (A) The socioeconomic achievement of Chinese and Japanese immigrants and their descendants is best explained by a historical examination of the economic structures prevalent in the United States when such immigrant groups arrived.
  - (B) The socioeconomic achievement of Chinese and Japanese immigrants and



- their descendants is best explained by an examination of their cultural backgrounds, in particular their level of educational attainment.
- (C) The socioeconomic achievement of Chinese and Japanese immigrants and their descendants has taken place in the context of a culturally based emphasis on the economic welfare of the nuclear family.
- (D) Only the market structure of the capitalist economy of the United States in which supply has historically been regulated by demand can account for the socioeconomic achievement of Chinese and Japanese immigrants and their descendants.
- (E) Only an analysis that combines an examination of the culture of Chinese and Japanese immigrant groups and the socioeconomic structure of the host country can adequately explain the socioeconomic achievement of Chinese and Japanese immigrants and their descendants.
9. Which one of the following can best be described as a supply-side element in the labor market, as such elements are explained in the passage?
- (A) concentration of small businesses in a given geographical area
- (B) need for workers with varying degrees of skill
- (C) high value placed by immigrants on work
- (D) expansion of the primary labor market
- (E) development of an advanced capitalist economy
10. Which one of the following best states the function of the author's mention of "two immigration streams" (line 62)?
- (A) It demonstrates the effects of changes in human capital.
- (B) It illustrates the operation of the primary labor market.
- (C) It explains the nature of early Chinese and Japanese immigration.
- (D) It characterizes the result of changing demand-side factors.
- (E) It underscores an influence on the labor market.
11. It can be inferred that the author's analysis of the socioeconomic achievement of Chinese and Japanese immigrants and their descendants differs from that of most sociologists primarily in that most sociologists
- (A) address the effects of the interaction of causal factors
- (B) exclude the factor of a developing capitalist economy
- (C) do not apply an economic metaphor
- (D) emphasize the disadvantageous effects of racial discrimination
- (E) focus on a single type of theoretical explanation
12. It can be inferred that which one of the following was an element of the experience of both Chinese and Japanese immigrants in the United States?
- (A) initial status as sojourners

- (B) slow accumulation of capital
- (C) quick transition from laborer to manager
- (D) rapid establishment of nuclear families
- (E) rapid acquisition of technical skills

13. The author is primarily concerned with

- (A) advancing a synthesis of approaches to an issue
- (B) challenging a tentative answer to a question
- (C) evaluating the soundness of theories
- (D) resolving the differences between schools of thought
- (E) outlining the achievements of a group

Although the legal systems of England and the United States are superficially similar, they differ profoundly in their approaches to and uses of legal reasons: substantive reasons in the United States, whereas in England the reverse is true. This distinction reflects a difference in the visions of law that prevail in the two countries. In England the law has traditionally been viewed as a system of rules; the United States favors a vision of law as an outward expression of the community's sense of right and justice.

Substantive reasons, as applied to law, are based on moral, economic, political, and other considerations. These reasons are found both "in the law" and "outside the law," so to speak. Substantive reasons inform the content of a large part of the law: constitutions, statutes, contracts, verdicts, and the like. Consider, for example, a statute providing (to make a proviso or stipulation) that "no vehicles shall be taken into public parks". Suppose that no specific rationales or purposes were explicitly written into this statute, but that it was clear (from its legislative history) that the substantive purpose of the statute was to ensure quiet and safety in the park. Now suppose that a veterans' group mounts a World War II jeep (in running order but without a battery) as a war memorial on a concrete slab in the park, and charges are brought against its members. Most judges in the United States would find the defendants not guilty because what they did had no adverse effect on park quiet and safety.

Formal reasons are different in that they frequently prevent substantive reasons from coming into play, even when substantive reasons are explicitly incorporated into the law at hand. For example, when a document fails to comply with stipulated requirements, the court may render the document legally ineffective. A will requiring written witness may be declared null and void and therefore, unenforceable for the formal reason that the requirement was not observed. Once the legal rule—that a will is invalid for lack of proper witnessing—has been clearly established, and the legality of the rule is not in question, application of that rule precludes from consideration substantive arguments in favor of the will's validity or enforcement.

Legal scholars in England and the United States have long bemused themselves with extreme examples of formal and substantive reasoning. On the one hand, formal reasoning in England has led to wooden interpretations of statutes and an unwillingness to develop the common law through judicial activism. On the other hand, freewheeling substantive reasoning in the United States has resulted in statutory interpretations so liberal that the texts of some

statutes have been ignored altogether.

14. Which one of the following best describes the content of the passage as a whole?
- (A) an analysis of similarities and differences between the legal systems of England and the United States
  - (B) a reevaluation of two legal systems with the use of examples
  - (C) a contrast between the types of reasons embodied in the United States and England legal systems
  - (D) an explanation of how two distinct visions of the law shaped the development of legal reasoning
  - (E) a presentation of two types of legal reasons that shows the characteristics they have in common
15. It can be inferred from the passage that English judges would be likely to find the veterans' group discussed in the second paragraph guilty of violating the statute because
- (A) not to do so would encourage others to act as the group did
  - (B) not to do so would be to violate the substantive reasons underlying the law
  - (C) the veterans failed to comply with the substantive purpose of the statute
  - (D) the veterans failed to demonstrate that their activities had no adverse effect on the public
  - (E) the veterans failed to comply with the stipulated requirements of the statute
16. From the discussion of wills in the third paragraph it can be inferred that substantive arguments as to the validity of a will might be considered under which one of the following circumstances?
- (A) The legal rule requiring that a will be witnessed in writing does not stipulate the format of the will.
  - (B) The legal rule requiring that a will be witnessed stipulates that the will must be witnessed in writing by two people.
  - (C) The legal rule requiring that a will be witnessed in writing stipulates that the witnessing must be done in the presence of a judge.
  - (D) A judge rules that the law requires a will to be witnessed in writing regardless of extenuating circumstances.
  - (E) A judge rules that the law can be interpreted to allow for a verbal witness to a will in a case involving a medical emergency.
17. The author of the passage makes use of all of the following in presenting the discussion of the English and the United States legal systems EXCEPT
- (A) comparison and contrast
  - (B) generalization
  - (C) explication of term
  - (D) a chronology of historical developments

- (E) a hypothetical case
18. Which one of the following best describes the function of the last paragraph of the passage?
- (A) It presents the consequences of extreme interpretations of the two types of legal reasons discussed by the author.
  - (B) It shows how legal scholars can incorrectly use extreme examples to support their views.
  - (C) It corrects inaccuracies in legal scholars' views of the nature of the two types of legal systems.
  - (D) It suggests how characterizations of the two types of legal reasons can become convoluted and inaccurate.
  - (E) It presents scholars' characterizations of both legal systems that are only partially correct.
19. The author of the passage suggests that in English law a substantive interpretation of a legal rule might be warranted under which one of the following circumstances?
- (A) Social conditions have changed to the extent that to continue to enforce the rule would be to decide contrary to present-day social norms.
  - (B) The composition of the legislature has changed to the extent that to enforce the rule would be contrary to the views of the majority in the present legislative assembly.
  - (C) The legality of the rule is in question and its enforcement is open to judicial interpretation.
  - (D) Individuals who have violated the legal rule argue that application of the rule would lead to unfair judicial interpretations.
  - (E) Superior court judges have consistently ruled in decisions regarding the interpretation of the legal rule.
20. According to the passage, which one of the following statements about substantive reasons is true?
- (A) They may be written into laws, but they may also exert an external influence on the law.
  - (B) They must be explicitly written into the law in order to be relevant to the application of the law.
  - (C) They are legal in nature and determine particular applications of most laws.
  - (D) They often provide judges with specific rationales for disregarding the laws of the land.
  - (E) They are peripheral to the law, whereas formal reasons are central to the law.

How does the brain know when carbohydrates have been or should be consumed? The answer to this question is not known, but one element in the explanation seems to be the neurotransmitter **serotonin**, one of a class of chemical mediators that may be released from a

presynaptic neuron and that cause the transmission of a nerve impulse across a synapse to an adjacent postsynaptic neuron. In general, it has been found that drugs that selectively facilitate serotonin-mediated neurotransmission tend to cause weight loss, whereas drugs that block serotonin-mediated transmission often have the opposite effect: they often induce carbohydrate craving and consequent weight gain.

Serotonin is a derivative of **tryptophan**, an amino acid that is normally present at low levels in the bloodstream. The rate of conversion is affected by the proportion of carbohydrates in an individual's diet: carbohydrates stimulate the secretion of insulin, which facilitates the uptake of most amino acids into peripheral tissues, such as muscles. Blood tryptophan levels, however, are unaffected by insulin, so the proportion of tryptophan in the blood relative to the other amino acids increases when carbohydrates are consumed. Since tryptophan competes with other amino acids for transport across the blood-brain barrier into the brain, insulin secretion indirectly speeds tryptophan's entry into the **central nervous system** where, in a special cluster of neurons, it is converted into serotonin.

The level of serotonin in the brain in turn affects the amount of carbohydrate an individual chooses to eat. Rats that are allowed to choose among synthetic foods containing different proportions of carbohydrate and protein will normally alternate between foods containing mostly protein and those containing mostly carbohydrate. However, if rats are given drugs that enhance the effect of serotonin, the rats' carbohydrate intake is reduced. On the other hand, when rats are given drugs that interrupt serotonin-mediated neurotransmission, their brains fail to respond when carbohydrates are eaten, so the desire for them persists.

In human beings a serotoninlike drug,  $\alpha$ -fenfluramine (which release serotonin into brain synapses and then prolong its action by blocking its reabsorption into the presynaptic neuron), selectively suppresses carbohydrate snacking (and its associated weight gain) in people who crave carbohydrates. In contrast, drugs that block serotonin-mediated transmission or that interact with neurotransmitters other than serotonin have the opposite effect: they often induce carbohydrate craving and subsequent weight gain. People who crave carbohydrates report feeling refreshed and invigorated after eating a carbohydrate-rich meal (which would be expected to increase brain serotonin levels), in contrast, those who do not crave carbohydrates become sleepy following a high-carbohydrate meal. These findings suggest that serotonin has other effects that may be useful indicators of serotonin levels in human beings.

21. Which one of the following best states the main idea of the passage
- (A) The body's need for carbohydrates varies with the level of serotonin in the blood.
  - (B) The body's use of carbohydrates can be regulated by the administration of serotoninlike drugs.
  - (C) The role of serotonin in regulating the consumption of carbohydrates is similar in rats and in humans.
  - (D) The body's desire for carbohydrates can be influenced by serotonin or serotoninlike drugs.
  - (E) Tryptophan initiates a chain of events that regulates the body's use of carbohydrates.

22. The term “rate” (line 17) refers to the rate at which
- (A) serotonin is produced from tryptophan
  - (B) carbohydrates are taken into the body
  - (C) carbohydrates stimulate the secretion of insulin
  - (D) insulin facilitates the uptake of amino acids into peripheral tissues
  - (E) tryptophan enters the bloodstream
23. It can be inferred that a person is likely to crave carbohydrates when
- (A) the amount of insulin produced is too high
  - (B) the amount of serotonin in the brain is too low
  - (C) more tryptophan than usual crosses the blood-brain barrier
  - (D) neurotransmission by neurotransmitters other than serotonin is interrupted
  - (E) amino acids other than tryptophan are taken up by peripheral tissues
24. The information in the passage indicates that if human beings were given a drug that inhibits the action of serotonin, which one of the following might be expected to occur?
- (A) Subjects would probably show a preference for carbohydrate-rich snacks rather than protein-rich snacks.
  - (B) Subjects would probably become sleepy after eating a carbohydrate-rich meal.
  - (C) Subjects would be more likely to lose weight than before they took the drug.
  - (D) Subjects’ blood tryptophan levels would probably increase.
  - (E) Subjects’ desire for both carbohydrates and proteins would increase.
25. The primary purpose of the second paragraph in the passage is to
- (A) provide an overview of current research concerning the effect of serotonin on carbohydrate consumption
  - (B) contrast the role of tryptophan in the body with that of serotonin
  - (C) discuss the role of serotonin in the transmission of neural impulses
  - (D) explain how the brain knows that carbohydrates should be consumed
  - (E) establish a connection between carbohydrate intake and the production of serotonin
26. It can be inferred that after a person has taken *d*-fenfluramine, he or she will probably be
- (A) inclined to gain weight
  - (B) sleepy much of the time
  - (C) unlikely to crave carbohydrates
  - (D) unable to sleep as much as usual
  - (E) likely to secrete more insulin than usual



27. The author's primary purpose is to
- (A) defend a point of view
  - (B) correct a misconception
  - (C) assess conflicting evidence
  - (D) suggest new directions for investigation
  - (E) provide information that helps explain a phenomenon

**LSAT 14 SECTION III**

**Time 35 minutes 26 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.*

A major tenet of the neurosciences has been that all neurons (nerve cells) in the brains of vertebrate animals are formed early in development. An adult vertebrate, it was believed, must **make do with** a fixed number of neurons: those lost through disease or injury are not replaced, and adult learning takes place not through generation of new cells but through modification of connections among existing ones.

However, new evidence for neurogenesis (the birth of new neurons) has come from the study of canary song. Young canaries and other songbirds learn to sing much as humans learn to speak, by imitating models provided by their elders. Several weeks after birth, a young bird produces its first rudimentary attempts at singing; over the next few months the song becomes more structured and stable, reaching a fully developed state by the time the bird approaches its first **breeding season**. But this repertoire of song is not permanently learned. After each breeding season, during late summer and fall, the bird loses mastery of its developed "vocabulary," and its song becomes as unstable as that of a juvenile bird. During the following winter and spring, however, the canary acquires new songs, and by the next breeding season it has developed an entirely new repertoire.

Recent neurological research into this learning and relearning process has shown that the two most important regions of the canary's brain related to the learning of songs actually vary in size at different times of the year. In the spring, when the bird's song is highly developed and uniform, the regions are roughly twice as large as they are in the fall. Further experiments tracing individual nerve cells within these regions have shown that the number of neurons drops by about 38 percent after the breeding season, but by the following breeding season, new ones have been generated to replace them. A possible explanation for this continual replacement of nerve cells may have to do with the canary's relatively long life span and the requirements of flight. Its brain would have to be substantially larger and heavier than might be feasible for flying if it had to carry all the brain cells needed to process and retain all the information gathered over a lifetime.

Although the idea of neurogenesis in the adult mammalian brain is still not generally accepted, these findings might help uncover a mechanism that would enable the human brain

to repair itself through neurogenesis. Whether such replacement of neurons would disrupt complex learning processes or long-term memory is not known, but songbird research **challenges** scientists to identify the genes or hormones that **orchestrate** neurogenesis in the young human brain and to learn how to activate them in the adult brain.

1. Which one of the following best expresses the main idea of the passage?
  - (A) New evidence of neurogenesis in canaries challenges an established neurological theory concerning brain cells in vertebrates and suggests the possibility that human brains may repair themselves.
  - (B) The brains of canaries differ from the brains of other vertebrate animals in that the brains of adult canaries are able to generate neurons.
  - (C) Recent studies of neurogenesis in canaries, building on established theories of vertebrate neurology, provide important clues as to why researchers are not likely to discover neurogenesis in adult humans.
  - (D) Recent research into neurogenesis in canaries refutes a long-held belief about the limited supply of brain cells and provides new information about neurogenesis in the adult human brain.
  - (E) New information about neurogenesis in canaries challenges older hypotheses and clarifies the importance of the yearly cycle in learning processes and neurological replacement among vertebrates.
2. According to the passage, which one of the following is true of the typical adult canary during the late summer and fall?
  - (A) The canary's song repertoire takes on a fully structured and stable quality.
  - (B) A process of neurogenesis replaces the song-learning neurons that were lost during the preceding months.
  - (C) The canary begins to learn an entirely new repertoire of songs based on the models of other canaries.
  - (D) The regions in the canary's brain that are central to the learning of song decrease in size.
  - (E) The canary performs slightly modified versions of the songs it learned during the preceding breeding season.
3. Information in the passage suggests that the author would most likely regard which one of the following as LEAST important in future research on neurogenesis in humans?
  - (A) research on possible similarities between the neurological structures of humans and canaries
  - (B) studies that compare the ratio of brain weight to body weight in canaries to that in humans
  - (C) neurological research on the genes or hormones that activate neurogenesis in the brain of human infants
  - (D) studies about the ways in which long-term memory functions in the human

brain

(E) research concerning the processes by which humans learn complicated tasks

4. Which one of the following, if true, would most seriously undermine the explanation proposed by the author in the third paragraph?
- (A) A number of songbird species related to the canary have a shorter life span than the canary and do not experience neurogenesis.
- (B) The brain size of several types of airborne birds with life spans similar to those of canaries has been shown to vary according to a two-year cycle of neurogenesis.
- (C) Several species of airborne birds similar to canaries in size are known to have brains that are substantially heavier than the canary's brain.
- (D) Individual canaries that have larger-than-average repertoires of songs tend to have better developed muscles for flying.
- (E) Individual canaries with smaller and lighter brains than the average tend to retain a smaller-than-average repertoire of songs.
5. The use of the word "vocabulary" (line 23) serves primarily to
- (A) demonstrate the presence of a rudimentary grammatical structure in canary song
- (B) point out a similarity between the patterned groupings of sounds in a canary's song and the syllabic structures of words
- (C) stress the stability and uniformity of canary's song throughout its lifetime
- (D) suggest a similarity between the possession of a repertoire of words among humans and a repertoire of songs among canaries
- (E) imply that the complexity of the canary's song repertoire is equal to that of human language
6. According to the passage, which one of the following factors may help account for the occurrence of neurogenesis in canaries?
- (A) the life span of the average canary
- (B) the process by which canaries learn songs
- (C) the frequency of canary breeding seasons
- (D) the number of regions in the canary brain related to song learning
- (E) the amount of time an average canary needs to learn a repertoire of songs
7. Which one of the following best describes the organization of the third paragraph?
- (A) A theory is presented, analyzed, and modified, and a justification for the modification is offered.
- (B) Research results are advanced and reconciled with results from other studies, and a shared principle is described.
- (C) Research results are presented, further details are provided, and a hypothesis

is offered to explain the results.

- (D) Research results are reported, their implications are explained, and an application to a related field is proposed.
- (E) Research results are reported, their significance is clarified, and they are reconciled with previously established neurological tenets.

8. It can be inferred from the passage that the author would most likely describe the current understanding of neurogenesis as
- (A) exhaustive
  - (B) progressive
  - (C) incomplete
  - (D) antiquated
  - (E) incorrect

For too many years scholars of African American history focused on the harm done by slaveholders and by the institution of slavery, rather than on what Africans in the United States were able to accomplish despite the effects of that institution. In *Myne Owne Ground*, T. H. Breen and Stephen Innes contribute significantly to a recent, welcome shift from a white-centered to a black-centered inquiry into the role of African Americans in the American colonial period. Breen and Innes focus not on slaves, but on a small group of freed indentured servants in Northampton County (in the Chesapeake Bay region of Virginia) who, according to the authors, maintained their freedom, secured property, and interacted with persons of different races and economic standing from 1620 through the 1670s. African Americans living on the Chesapeake were to some extent disadvantaged, say Breen and Innes, but this did not preclude the attainment of status roughly equal to that of certain white planters of the area. Continuously acting within black social networks, and forming economic relationships with white planters, local Native Americans, indentured servants, and white settlers outside the gentry class, the free African Americans of Northampton County **held their own** in the **rough-hewn** world of Chesapeake Bay.

The authors emphasize that in this early period, when the percentage of African Americans in any given Chesapeake county was still no more than 10 percent of the population, very little was predetermined so far as racial status or race relations were concerned. By schooling themselves in the local legal process and by working prodigiously on the land, African Americans acquired property, established families, and warded off contentious white neighbors. Breen and Innes do acknowledge that political power on the Chesapeake was asymmetrically distributed among black and white residents. However, they underemphasize much evidence that customary law, only gradually embodies in **statutory law**, was **closing in** on free African Americans well before the 1670s: during the 1660s, when the proportion of African Americans in Virginia increased dramatically, Virginia tightened a law regulating interracial relations (1662) and enacted a statute prohibiting baptism from altering slave status (1667). Anthony Johnson, a leader in the community of free African Americans in the Chesapeake Bay region, sold the land he had cultivated for more than twenty years and moved north with his family around 1665, an action that the authors attribute to a search for "fresh, more productive land." But the answer to why the Johnsons left that area where they had labored so long may lie in their

realization that their white neighbors were already beginning the transition from a largely white indentured labor force to reliance on a largely black slave labor force, and that the institution of slavery was threatening their descendants' chances for freedom and success in Virginia.

9. The author of the passage objects to many scholarly studies of African American history for which one of the following reasons?
- (A) Their emphases have been on statutory law rather than on customary law.
  - (B) They have ignored specific historical situations and personages in favor of broad interpretations.
  - (C) They have focused on the least eventful periods in African American history.
  - (D) They have underemphasized the economic system that was the basis of the institution of slavery.
  - (E) They have failed to focus to a sufficient extent on the achievements of African Americans.
10. Which one of the following can be inferred from the passage concerning the relationship between the African American population and the law in the Chesapeake Bay region of Virginia Between 1650 and 1670?
- (A) The laws affecting black citizens were embodied in statutes much more gradually than were laws affecting white citizens.
  - (B) As the percentage of black citizens in the population grew, the legal restrictions placed on them also increased.
  - (C) Because of discriminatory laws, black farmers suffered more economic setbacks than did white farmers.
  - (D) Because of legal constraints on hiring indentured servants, black farmers faced a chronic labor shortage on their farms.
  - (E) The adherence to customary law was more rigid in regions with relatively large numbers of free black citizens.
11. The author of the passage most probably refers to Anthony Johnson and his family in order to
- (A) provide a specific example of the potential shortcomings of Breen and Innes' interpretation of historical events
  - (B) provide a specific example of relevant data overlooked by Breen and Innes in their discussion of historical events
  - (C) provide a specific example of data that Breen and Innes might profitably have used in proving their thesis
  - (D) argue that the standard interpretation of historical events is superior to Breen and Innes' revisionist interpretation
  - (E) argue that a new historiographical method is needed to provide a full and coherent reading of historical events
12. The attitude of the author of the passage toward Breen and Innes' study can best

- be described as one of
- (A) condescending dismissal
  - (B) wholehearted acceptance
  - (C) contentious challenge
  - (D) qualified approval
  - (E) sincere puzzlement

13. The primary purpose of the passage is to
- (A) summarize previous interpretations
  - (B) advocate a new approach
  - (C) propose and then illustrate a thesis
  - (D) present and evaluate an interpretation
  - (E) describe a historical event

Late nineteenth-century books about the French artist Watteau (1684-1721) betray a curious **blind spot**: more than any single artist before or since, Watteau provided his age with an influential image of itself, and nineteenth-century writers accepted this image as genuine. This was largely due to the enterprise of Watteau's friends who, soon after his death, organized the printing of engraved reproductions of the great bulk of his work—both his paintings and his drawings—so that Watteau's total artistic output became and continued to be more accessible than that of any other artist until the twentieth-century advent of art monographs illustrated with photographs. These engravings presented aristocratic (and would-be aristocratic) eighteenth-century French society with an image of itself that was highly acceptable and widely imitated by other artists, however little relationship that image bore to reality. By 1884, the bicentenary of Watteau's birth, it was standard practice for biographers to refer to him as "the personification of the witty and amiable eighteenth century."

In fact, Watteau saw little enough of that "witty and amiable" century for which so much nostalgia was generally felt between about 1870 and 1920, a period during which enthusiasm for the artist reached its peak. The eighteenth century's first decades, the period of his artistic activity, were fairly calamitous ones. During his short life, France was almost continually at war: his native region was overrun with foreign troops, and Paris was threatened by siege and by a rampaging army rabble. The dreadful winter of 1709, the year of Watteau's first Paris successes, was marked by military defeat and a disastrous famine.

Most of Watteau's nineteenth-century admirers simply ignored the grim background of the works they found so lyrical and charming. Those who took the inconvenient historical facts into consideration did so only in order to refute the widely held deterministic view that the content and style of an artist's work were absolutely dictated by heredity and environment. (For Watteau admirers, such determinism was unthinkable: the artist was born in a Flemish town only six years after it first became part of France, yet Watteau was quintessentially French. As one patriotic French biographer put it, "In Dreden, Potsdam, and Berlin I have never come across a Watteau without feeling refreshed by a breath of native air." Even such writers, however, persisted in according Watteau's canvases a privileged status as representative "personifications" of the eighteenth century. The discrepancy between historical fact and



artistic vision, useful in refuting the extreme deterministic position, merely forced these writers to seek a new formula that allowed them to preserve the desired identity between image and reality, this time a rather suspiciously psychic one: Watteau did not record the society he knew, but rather “foresaw” a society that developed shortly after his death.

14. Which one of the following best describes the overall organization of the passage?
- (A) A particular phenomenon is discussed, the reasons that it is atypical are put forward, and these reasons are evaluated and refined.
  - (B) An assumption is made, results deriving from it are compared with what is known to be true, and the assumption is finally rejected as counterfactual.
  - (C) A point of view is described, one hypothesis accounting for it is introduced and rejected, and a better hypothesis is offered for consideration.
  - (D) A general characterization is offered, examples supporting it are introduced, and its special applicability to a particular group is asserted.
  - (E) A particular viewpoint is explained, its shortcomings are discussed, and its persistence in the face of these is noted.
15. The passage suggests that late-nineteenth-century biographers of Watteau considered the eighteenth century to be “witty and amiable” in large part because of
- (A) what they saw as Watteau’s typical eighteenth-century talent for transcending reality through art
  - (B) their opposition to the determinism that dominated late-nineteenth-century French thought
  - (C) a lack of access to historical source material concerning the early eighteenth century in France
  - (D) the nature of the image conveyed by the works of Watteau and his many imitators
  - (E) their political bias in favor of aristocratic regimes and societies
16. According to the passage, explanations of artistic production based on determinism were unthinkable to Watteau admirers for which one of the following reasons?
- (A) If such explanations were widely accepted, too many people who would otherwise have admired Watteau would cease to appreciate Watteau’s works.
  - (B) If such explanations were adopted, they would make it difficult for Watteau admirers to explain why Watteau’s works were purchased and admired by foreigners.
  - (C) If such explanations were correct, many artists who, like Watteau, considered themselves French would have to be excluded from histories of French art.
  - (D) If such simple explanations were offered, other more complex arguments concerning what made Watteau’s works especially charming would go

unexplored.

- (E) If such explanations were true, Watteau's works would reflect a "Flemish" sensibility rather than the especially "French" one these admirers saw in them.
17. The phrase "curious blind spot" (line 2 -3) can best be interpreted as referring to which one of the following?
- (A) some biographers' persistent inability to appreciate what the author considers a particularly admirable equality
- (B) certain writers' surprising lack of awareness of what the author considers an obvious discrepancy
- (C) some writers' willful refusal to evaluate properly what the author considers a valuable source of information about the past
- (D) an inexplicable tendency on the part of some writers to undervalue an artist whom the author considers extremely influential
- (E) a marked bias in favor of a certain painter and a concomitant prejudice against contemporaries the author considers equally talented
18. It can be inferred from the passage that the author's view of Watteau's works differs most significantly from that of most late-nineteen-century Watteau admirers in which one of the following ways?
- (A) Unlike most late-nineteenth-century Watteau admirers, the author appreciates the importance of Watteau's artistic accomplishment.
- (B) The author finds Watteau's works to be much less lyrical and charming than did most late-nineteenth-century admirers of the works.
- (C) In contrast to most late-nineteenth-century Watteau admirers, the author finds it misleading to see Watteau's works as accurately reflecting social reality.
- (D) The author is much more willing to entertain deterministic explanations of the origins of Watteau's works than were most late-nineteenth-century Watteau admirers.
- (E) Unlike most late-nineteenth-century admirers of Watteau, the author considers it impossible for any work of art to personify or represent a particular historical period.
19. The author asserts that during the period of Watteau's artistic activity French society was experiencing which one of the following?
- (A) widespread social upheaval caused by war
- (B) a pervasive sense of nostalgia for an idealized past
- (C) increased domination of public affairs by a powerful aristocracy
- (D) rapid adoption by the middle classes of aristocratic manners and life-style
- (E) a need to reconcile the French self-image with French social realities
20. The information given in the passage suggests that which one of the following

principles accurately characterizes the relationship between an artist's work and the impact it is likely to have on a society?

- (A) An artist's recognition by society is most directly determined by the degree to which his or her works are perceived as lyrical and charming.
- (B) An artist will have the greatest influence on a society that values art particularly highly.
- (C) The works of an artist who captures the true and essential nature of a given society will probably have a great impact on that society.
- (D) The degree of influence an artist's vision will have on a society is conditional on the visibility of the artist's work.
- (E) An artist who is much imitated by contemporaries will usually fail to have an impact on a society unless the imitators are talented.

Faced with the problems of insufficient evidence, of conflicting evidence, and of evidence relayed through the flawed perceptual, retentive, and narrative abilities of witnesses, a jury is forced to draw inferences in its attempt to ascertain the truth. By applying the same cognitive tools they have developed and used over a lifetime, jurors engage in the inferential exercise that lawyers call fact-finding. In certain decision-making contexts that are relevant to the trial of lawsuits, however, these normally reliable cognitive tools may cause jurors to commit inferential errors that distort rather than reveal the truth.

Although juries can make a variety of inferential errors, most of these mistakes in judgment involve the drawing of an unwarranted conclusion from the evidence, that is, deciding that the evidence proves something that, in reality, it does not prove. For example, evidence that the defendant in a criminal prosecution has a prior conviction may encourage jurors to presume the defendant's guilt, because of their preconception that a person previously convicted of a crime must be inclined toward repeated criminal behavior. That commonly held belief is at least a partial distortion of reality; not all former convicts engage in repeated criminal behavior. Also, jury may give more probative weight than objective analysis would allow to vivid photographic evidence depicting a shooting victim's wounds, or may underestimate the weight of defense testimony that is not delivered in a sufficiently forceful or persuasive manner. Finally, complex or voluminous evidence might be so confusing to a jury that its members would draw totally unwarranted conclusions or even ignore the evidence entirely.

Recent empirical research in cognitive psychology suggests that people tend to commit inferential errors like these under certain predictable circumstances. By examining the available information, the situation, and the type of decision being made, cognitive psychologists can describe the kinds of inferential errors a person or group is likely to make. These patterns of human decision-making may provide the courts with a guide to evaluating the effect of evidence on the reliability of the jury's inferential processes in certain situations.

The notion that juries can commit inferential errors that jeopardize the accuracy of the fact-finding process is not unknown to the courts. In fact, one of a presiding judge's duties is to minimize jury inferential error through explanation and clarification. Nonetheless, most judges now employ only a limited and primitive concept of jury inferential error: limited because it fails

to recognize the potential for error outside certain traditional situations, primitive because it ignores the research and conclusions of psychologists in favor of notions about human cognition held by lawyers.

21. Which one of the following best expresses the main idea of the passage?
- (A) When making decisions in certain predictable situations, juries may commit inferential errors that obscure rather than reveal the truth.
  - (B) The views of human cognition taken by cognitive psychologists on the one hand and by the legal profession on the other are demonstrably dissimilar.
  - (C) When confronting powerful preconceptions, particularly shocking evidence, or complex, situation, jurors make errors in judgment.
  - (D) The problem of inferential error by juries is typical of the difficulties with cognitive processes that people face in their everyday lives.
  - (E) Juries would probably make more reliable decisions if cognitive psychologists, rather than judges, instructed them about the problems inherent in drawing unwarranted conclusions.
22. Of the following hypothetical reforms in trial procedure, which one would the author be most likely to support as the best way to address the problem of jury inferential error?
- (A) a move away from jury trial
  - (B) the institution of minimum formal educational requirements for jurors
  - (C) the development of strict guidelines for defense testimony
  - (D) specific training for judges in the area of jury instruction
  - (E) restrictions on lawyers' use of psychological research
23. In the second paragraph, the author's primary purpose is to
- (A) refute the idea that the fact-finding process is a complicated exercise
  - (B) emphasize how carefully evidence must be presented in order to avoid jury inferential error
  - (C) explain how commonly held beliefs affect the jury's ability to ascertain the truth
  - (D) provide examples of situations that may precipitate jury errors
  - (E) recommend a method for minimizing mistakes by juries
24. Which one of the following best describes the author's attitude toward the majority of judges today?
- (A) apprehensive about whether they are consistent in their instruction of juries
  - (B) doubtful of their ability to draw consistently correct conclusions based on the evidence
  - (C) critical of their failure to take into account potentially helpful research
  - (D) pessimistic about their willingness to make significant changes in trial procedure

- (E) concerned about their allowing the presentation of complex and voluminous evidence in the courtroom
25. Which one of the following statements, if true, would most seriously undermine the author's suggestion about the use of current psychological research in the courtroom?
- (A) All guidelines about human behavior must take account of variations in the patterns of human decision-making.
- (B) Current models of how humans make decisions apply reliably to individuals but do not hold for decisions made by groups.
- (C) The current conception of jury inferential error employed by judges has been in use for nearly a century.
- (D) Inferential errors can be more easily predicted in controlled situations such as the trial of lawsuits than in other kinds of decision-making processes.
- (E) In certain predictable circumstances, juries are less susceptible to inferential errors than they are in other circumstances.
26. It can be inferred from the passage that the author would be most likely to agree with which one of the following generalizations about lawyers?
- (A) They have a less sophisticated understanding of human cognition than do psychologists.
- (B) They often present complex or voluminous information merely in order to confuse a jury.
- (C) They are no better at making logical inferences from the testimony at a trial than are most judges.
- (D) They have worked to help judges minimize jury inferential error.
- (E) They are unrealistic about the ability of jurors to ascertain the truth.
27. The author would be most likely to agree with which one of the following generalizations about a jury's decision-making process?
- (A) The more evidence that a jury has, the more likely it is that the jury will reach a reliable verdict.
- (B) Juries usually overestimate the value of visual evidence such as photographs.
- (C) Jurors have preconceptions about the behavior of defendants that prevent them from making an objective analysis of the evidence in a criminal trial.
- (D) Most of the jurors who make inferential errors during a trial do so because they are unaccustomed to having to make difficult decisions based on inferences.
- (E) The manner in which evidence is presented to a jury may influence the jury either to overestimate or to underestimate the value of that evidence.

*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.*

It is a fundamental tenet of geophysics that the Earth's magnetic field can exist in either of two polarity states: a "normal" state, in which north-seeking compass needles point to the geographic north, and a "reverse" state, in which they point to the geographic south. Geological evidence shows that periodically the field's polarity reverses, and that these reversals have been taking place at an increasing rate. Evidence also indicates that the field does not reverse instantaneously from one polarity state to another; rather, the process involves a transition period that typically spans a few thousand years.

Though this much is known, the underlying causes of the reversal phenomenon are not well understood. It is generally accepted that the magnetic field itself is generated by the motion of free electrons in the outer core, a slowly churning mass of molten metal sandwiched between the Earth's mantle (the region of the Earth's interior lying below the crust) and its solid inner core. In some way that is not completely understood, gravity and the Earth's rotation, acting on temperature and density differences within the outer core fluid, provide the driving forces behind the generation of the field. The reversal phenomenon may be triggered when something disturbs the heat circulation pattern of the outer core fluid, and with it the magnetic field.

Several explanations for this phenomenon have been proposed. One proposal, the "heat-transfer hypothesis," is that the triggering process is intimately related to the way the outer core vents its heat into the mantle. For example, such **heat transfer** could create hotter (rising) or cooler (descending) blobs of material from the inner and outer boundaries of the fluid core, thereby perturbing the main heat-circulation pattern. A more controversial alternative proposal is the asteroid-impact hypothesis. In this scenario an extended period of cold and darkness results from the impact of an asteroid large enough to send a great cloud of dust into the atmosphere. Following this climatic change, ocean temperatures drop and the polar ice caps grow, redistributing the Earth's seawater. This redistribution increases the rotational acceleration of the mantle, causing friction and turbulence near the outer core-mantle boundary and initiating reversal of the magnetic field.

How well do these hypotheses account for such observations as the long-term increase in the frequency of reversal? In support of the asteroid-impact model, it had been argued that the gradual cooling of the average ocean temperature would enable progressively smaller asteroid impacts (which are known to occur more frequently than larger impacts) to cool the Earth's climate sufficiently to induce ice-cap growth and reversals. But theories that depend on extraterrestrial intervention seem less convincing than theories like the first, which account for the phenomenon solely by means of the thermodynamic state of the outer core and its effect on the mantle.

1. Which one of the following statements regarding the Earth's outer core is best supported by information presented in the passage?  
(A) Heat circulation in the outer core controls the growth and diminution of the



- polar ice caps.
- (B) Impact of asteroids on the Earth's surface alters the way in which the outer core vents its heat into the mantle.
  - (C) Motion of electrons within the metallic fluid in the outer core produces the Earth's magnetic field.
  - (D) Friction and turbulence near the boundary between the outer core and the mantle are typically caused by asteroid impacts.
  - (E) Cessation of heat circulation within the outer core brings on multiple reversals in the Earth's magnetic field.
2. The author's objection to the second hypothesis discussed in the passage is most applicable to which one of the following explanations concerning the extinction of the dinosaurs?
- (A) The extinction of the dinosaurs was the result of gradual changes in the composition of the Earth's atmosphere that occurred over millions of years.
  - (B) The dinosaurs became extinct when their food supply was disrupted following the emergence of mammals.
  - (C) The dinosaurs succumbed to the new, colder environment brought about by a buildup of volcanic ash in the atmosphere.
  - (D) After massively overpopulation the planet, dinosaurs disappeared due to widespread starvation and the rapid spread of disease.
  - (E) After radical climatic changes resulted from the impact of a comet, dinosaurs disappeared from the Earth.
3. The author mentions the creation of blobs of different temperatures in the Earth's outer core (lines 34-38) primarily in order to
- (A) present a way in which the venting of heat from the outer core might disturb the heat-circulation pattern within the outer core
  - (B) provide proof for the proposal that ventilation of heat from the outer core into the mantle triggers polarity reversal
  - (C) give an example of the way in which heat circulates between the Earth's outer core and the Earth's exterior
  - (D) describe how the outer core maintains its temperature by venting its excess heat into the Earth's mantle
  - (E) argue in favor of the theory that heat circulation in the Earth's interior produces the magnetic field
4. Which one of the following statements regarding the polarity of the Earth's magnetic field is best supported by information in the passage?
- (A) Most, but not all, geophysicists agree that the Earth's magnetic field may exist in two distinct polarity states.
  - (B) Changes in the polarity of the Earth's magnetic field have occurred more often in the recent past than in the distant past.

- (C) Heat transfer would cause reversals of the polarity of the Earth's magnetic field to occur more quickly than would asteroid impact.
  - (D) Geophysicists' understanding of the reversal of the Earth's magnetic field has increased significantly since the introduction of the heat-transfer hypothesis.
  - (E) Friction near the boundary of the inner and outer cores brings on reversal of the polarity of the geomagnetic field.
5. Which one of the following can be inferred regarding the two proposals discussed in the passage?
- (A) Since their introduction they have sharply divided the scientific community.
  - (B) Both were formulated in order to explain changes in the frequency of polarity reversal.
  - (C) Although no firm conclusions regarding them have yet been reached, both have been extensively investigated.
  - (D) They are not the only proposals scientists have put forward to explain the phenomenon of polarity reversal.
  - (E) Both were introduced some time ago and have since fallen into disfavor among geophysicists.
6. The author mentions each of the following as possible contributing causes to reversals of the Earth's magnetic field EXCEPT
- (A) changes in the way heat circulates within the outer core fluid
  - (B) extended periods of colder temperatures on the Earth's surface
  - (C) the creation of circulation blobs of outer core material of different temperatures
  - (D) changes in circulation patterns in the Earth's oceans
  - (E) clouding of the Earth's atmosphere by a large amount of dust

Innovations in language are never completely new. When the words used for familiar things change, or words for new things enter the language, they are usually borrowed or adapted from stock. Assuming new roles, they drag their old meanings along behind them like flickering shadow. This seems especially true of the language of the contemporary school of literary criticism that now prefers to describe its work simply and rather presumptuously as theory but is still popularly referred to as poststructuralism of *deconstruction*.

The first neologisms adopted by this movement were *signifier* and *signified*, employed to distinguish arbitrariness of the term we choose. The use of these particular terms (rather than, respectively, *words* and *thing*) underlined the seriousness of the naming process and its claim on our attention. Since in English "to signify" can also mean "to portend," these terms also suggest that words predict coming events.

With the use of the term *deconstruction* we move into another and more complex realm of meaning. The most common use of the terms *construction* and *deconstruction* is in the building trades, and their borrowing by literary theorists for a new type of criticism cannot help but have certain overtones to the outsider. First, the usage suggests that the creation and critical

interpretation of literature are not organic but mechanical processes; that the author of any piece of writing is not an inspired, intuitive artist, but merely a laborer who cobbles existing materials (words) into more or less conventional structures. The term *deconstruction* implies that the text has been put together like a building or a piece of machinery, and that it is in need of being taken apart, not so much in order to repair it as to demonstrate underlying inadequacies, false assumptions, and inherent contradictions. This process can supposedly be repeated many times and by many literary **hard hats**; it is expected that each *deconstruction* will reveal additional flaws and expose the illusions or bad faith of the builder. The fact that deconstructionists prefer to describe their activities as *deconstruction* rather than *criticism* is also revealing. *Criticism* and *critic* derive from the Greek *Kritikos*, "skillful in judging, decisive." Deconstruction, on the other hand, has no overtones of skill or wisdom; it merely suggests demolition of an existing building. In popular usage criticism suggests censure but not change. If we find fault with a building, we may condemn it, but we do not carry out the demolition ourselves. The deconstructionist, by implication, is both judge and executioner who leaves a text totally dismantled, if not reduced to a pile of rubble.

7. Which one of the following best expresses the main idea of the passage?
- (A) Implicit in the terminology of the school of criticism known as *deconstruction* are meanings that reveal the true nature of the deconstructionist's endeavor.
  - (B) The appearance of the terms *signifier* and *signified* in the field of literary theory anticipated the appearance of an even more radical idea known as *deconstruction*.
  - (C) Innovations in language and relations between old and new meanings of terms are a special concern of the new school of criticism known as *deconstruction*.
  - (D) Deconstructionists maintain that it is insufficient merely to judge a work: the critic must actively dismantle it.
  - (E) Progress in the field of literary theory is best achieved by looking for new terms like *signifier* and *deconstruction* that might suggest new critical approaches to a work.
8. Which one of the following is a claim that the author of the passage makes about deconstructionists?
- (A) Deconstructionists would not have been able to formulate their views adequately without the terms *signifier* and *signified*.
  - (B) Deconstructionists had no particular purpose in mind in choosing to use neologisms.
  - (C) Deconstructionists do not recognize that their own theory contains inherent contradictions.
  - (D) Deconstructionists find little interest in the relationship between words and their referents.
  - (E) Deconstructionists use the terms *signifier* and *signified* to stress the

importance of the process of naming.

9. Which one of the following generalizations about inventions is most analogous to the author's point about innovation in language?
- (A) A new invention usually consists of components that are specifically manufactured for the new invention.
  - (B) A new invention is usually behind the times, never making as much use of all the available modern technology as it could.
  - (C) A new invention usually consists of components that are already available but are made to function in new ways.
  - (D) A new invention is most useful when it is created with attention to the historical tradition established by implements previously used to do the same job.
  - (E) A new invention is rarely used to its full potential because it is surrounded by out-of-date technology that hinder its application.
10. The author of the passage uses the word "criticism" in lines 46-56 primarily in order to
- (A) give an example
  - (B) introduce a contrast
  - (C) undermine an argument
  - (D) codify a system
  - (E) dismiss an objection
11. Which one of the following best describes the function of the second paragraph within the passage as a whole?
- (A) It introduces a hypothesis that the author later expands upon.
  - (B) It qualifies a claim made earlier by the author.
  - (C) It develops an initial example of the author's general thesis.
  - (D) It predicts a development.
  - (E) It presents a contrasting view.
12. The passage suggests that the author most probably holds the view that an important characteristic of literary criticism is that it
- (A) demonstrate false assumptions and inherent contradictions
  - (B) employ skill and insight
  - (C) be carried out by one critic rather than many
  - (D) reveal how a text is put together like a building
  - (E) point out the superiority of conventional text structures
13. The passage suggests that which one of the following most accurately describes the author's view of deconstructionist thought?
- (A) The author is guardedly optimistic about the ability of deconstruction to

reveal the intentions and biases of a writer.

- (B) The author endorses the utility of deconstruction for revealing the role of older meanings of words.
- (C) The author is enthusiastic about the significant neologisms that deconstruction has introduced into literary criticism.
- (D) The author regards deconstruction's tendency to focus only on the problems and faults of literary texts as too mechanical.
- (E) The author condemns deconstruction's attempts to define literary criticism as a creative act.

(The following passage was written in 1986)

The **legislation** of a country recently considered a bill designed to reduce the uncertainty inherent in the ownership of art by specifying certain conditions that must be met before an allegedly stolen work of art can be reclaimed by a plaintiff. The bill places the burden of proof in reclamation litigation entirely on the plaintiff, who must demonstrate that the holder of an item knew at the time of purchase that it had been stolen. Additionally, the bill creates a uniform national statute of limitations for reclamation of stolen cultural property.

**Testifying** in support of the bill, James D. Burke, a citizen of the country and one of its leading art museum directors, specially praised the inclusion of a statute of limitations; otherwise, he said, other countries could seek to reclaim valuable art objects, no matter how long they have been held by the current owner or how legitimately they were acquired. Any country could enact a patrimony law stating that anything ever made within the boundaries of that country is its cultural property. Burke expressed the fear that lead to ruinous legal defense costs for museums.

However, because such reclamation suits have not yet been a problem, there is little basis for Burke's concern. In fact, the proposed legislation would establish too many unjustifiable barriers to the location and recovery of stolen objects. The main barrier is that the bill considers the announcement of an art transaction in a museum publication to be adequate evidence of an attempt to notify a possible owner. There are far too many such publications for the victim of a theft to survey, and with only this form of disclosure, a stolen object could easily remain unlocated even if assiduously searched for. Another stipulation requires that a purchaser show the object to a scholar for verification that it is not stolen, but it is a rare academic who is aware of any but the most publicized art thefts. Moreover, the time limit specified by the statute of limitations is very short, and the requirement that the plaintiff demonstrate that the holder had knowledge of the theft is unrealistic. Typically, stolen art changes hands several times before rising to the level in the marketplace where a curator or collector would see it. At that point, the object bears no trace of the initial transaction between the thief and the first purchaser, perhaps the only one in the chain who knowingly acquired a stolen work of art.

Thus, the need for new legislation to protect holders of art is not obvious. Rather, what is necessary is legislation remedying the difficulties that legitimate owners of works of art, and countries from which such works have been stolen, have in locating and reclaiming these stolen works.

14. Which one of the following most accurately summarizes the main point of the

passage?

- (A) Various legal disputes have recently arisen that demonstrate the need for legislation clarifying the legal position of museums in suits involving the repossession of cultural property.
  - (B) A bill intended to prevent other governments from recovering cultural property was recently introduced into the legislature of a country at the behest of its museum directors.
  - (C) A bill intended to protect good-faith purchasers of works of art from reclamation litigation is unnecessary and fails to address the needs of legitimate owners attempting to recover stolen art works.
  - (D) Clashes between museum professionals and members of the academic community regarding governmental legislation of the arts can best be resolved by negotiation and arbitration, not by litigation.
  - (E) The desire of some governments to use legislation and litigation to recover cultural property stolen from their countries has led to abuses in international patrimony legislation.
15. The uncertainty mentioned in line 2 of the passage refers to the
- (A) doubt that owners of works of art often harbor over whether individuals have a moral right to possess great art
  - (B) concern that owners of works of art often have that their possession of such objects may be legally challenged at any time
  - (C) questions that owners of works of art often have concerning the correct identification of the age and origin of their objects
  - (D) disputes that often arise between cultural institutions vying for the opportunity to purchase a work of art
  - (E) apprehension that owners of works of art often feel concerning the possibility that their objects may be damaged or stolen from them
16. Which one of the following is an example of the kind of action that Burke feared would pose a serious threat to museums in his country?
- (A) the passage of a law by another country forbidding the future export of any archaeological objects uncovered at sites within its territory
  - (B) an international accord establishing strict criteria for determining whether a work of art can be considered stolen and specifying the circumstances under which it must be returned to its country of origin
  - (C) the passage of a law by another country declaring that all objects created by its aboriginal people are the sole property of that country
  - (D) an increase in the acquisition of culturally significant works of art by private collectors, who are more capable than museums of bearing the cost of litigation but who rarely display their collections to the public
  - (E) the recommendation of a United Nations committee studying the problem of



art theft that all international sales of cultural property be coordinated by a central regulatory body

17. According to the passage, Burke envisaged the most formidable potential adversaries of his country's museums in reclamation litigation to be
- (A) commercial dealers in art
  - (B) law enforcement officials in his own country
  - (C) governments of other countries
  - (D) private collectors of art
  - (E) museums in other countries
18. The author suggests that in the country mentioned in line 1, litigation involving the reclamation of stolen works of art has been
- (A) less common than Burke fears it will become without passage of a national stature of limitations for reclamation of stolen cultural property
  - (B) increasing as a result of the passage of legislation that aids legitimate owners of art in their attempts to recover stolen works
  - (C) a serious threat to museums and cultural institutions that have unwittingly added stolen artifacts to their collections
  - (D) a signal of the legitimate frustrations of victims of art theft
  - (E) increasing as a result of an increase in the amount of art theft
19. Which one of the following best describes the author's attitude towards the proposed bill?
- (A) impassioned support
  - (B) measured advocacy
  - (C) fearful apprehension
  - (D) reasoned opposition
  - (E) reluctant approval
20. Which one of the following best exemplifies the sort of legislation considered necessary by the author of the passage?
- (A) a law requiring museums to notify foreign governments and cultural institutions of all the catalogs and scholarly journals that they publish
  - (B) a law providing for the creation of a national warehouse for storage of works of art that are the subject of litigation
  - (C) a law instituting a national fund for assisting museums to bear the expenses of defending themselves against reclamation suits
  - (D) A law declaring invalid all sales of culture property during the last ten years by museums of one country to museums of another
  - (E) A law requiring that a central archive be established for collecting and distributing information concerning all reported thefts of cultural property

Until recently, few historians were interested in analyzing the similarities and differences between serfdom in Russia and slavery in the United States. Even Alexis de Tocqueville, who recognized the significant comparability of the two nations, never compared their systems of servitude, despite his interest in United States slavery. Moreover, the almost simultaneous abolition of Russian serfdom and United States slavery in the 1860s—a riveting coincidence that should have drawn more modern scholars to a comparative study of the two systems of servitude—has failed to arouse the interest of scholars. Though some historians may have been put off by the forbidding political differences between nineteenth-century Russia and the United States—one an imperial monarchy, the other a federal democracy—a recent study by Peter Kolchin identifies differences that are illuminating, especially with regard to the different kinds of rebellion exhibited by slaves and serfs.

Kolchin points out that nobles owning serfs in Russia constituted only a tiny proportion of the population, while in the southern United States, about a quarter of all White people were members of slave-owning families. And although in the southern United States only 2 percent of slaves worked on plantations where more than a hundred slaves worked, in Russia almost 80 percent of the serfs worked for nobles who owned more than a hundred serfs. In Russia most serfs rarely saw their owners who tended to rely on intermediaries to manage their estates, while most southern planters lived on their land and interacted with slaves on a regular basis.

These differences in demographics partly explain differences in the kinds of resistance that slaves and serfs practiced in their respective countries. Both serfs and slaves engaged in a wide variety of rebellious activity, from silent sabotage, much of which has escaped the historical record, to organized armed rebellions, which were more common in Russia. The practice of absentee ownership, combined with the large numbers in which serfs were owned, probably contributed significantly to the four great rebellions that swept across Russia at roughly fifty-year intervals in the seventeenth and eighteenth centuries. The last of these, occurring between 1773 and 1774, enlisted more than a million serfs in a futile attempt to overthrow the Russian nobility. Russian serfs also participated in smaller acts of collective defiance called the *volnenie*, which typically started with a group of serfs who complained of grievances by petition and went out on strike. Confrontations between slaves and plantation authorities were also common, but they tended to be much less collective in nature than those that occurred in Russia, probably in part because the number of workers on each estate was smaller in the United States than was the case in Russia.

21. Which one of the following best states the main idea of the passage?
- (A) Differences in the demographics of United States slavery and Russian serfdom can help explain the different kinds of resistance practiced by slaves and serfs in their respective countries.
  - (B) Historians have yet to undertake an adequate comparison and contrast of Russian serfdom and United States slavery.
  - (C) Revolts by Russian serfs were commonly characterized by collective action.
  - (D) A recent study has questioned the value of comparing United States slavery to Russian serfdom, especially in light of the significant demographic and cultural differences between the two countries.

- (E) De Tocqueville failed to recognize the fundamental differences between Russian serfdom and United States slavery which more recent historians have identified.
22. According to the author, de Tocqueville was similar to many modern historians in his
- (A) interest in the demographic differences between Russia and the United States during the nineteenth century
  - (B) failure to undertake a comparison of Russian serfdom and United States slavery
  - (C) inability to explain why United States slavery and Russian serfdom were abolished during the same decade
  - (D) overestimation of the significance of the political differences between Russia and the United States
  - (E) recognition of the essential comparability of Russia and the United States
23. Which one of the following assertions, if true, would provide the most support for Kolchin's principal conclusion regarding the relationship of demographics to rebellion among Russian serfs and United States slaves?
- (A) Collective defiance by serfs during the nineteenth century was confined almost exclusively to their participation in the *volnenie*.
  - (B) The rebellious activity of United States slaves was more likely to escape the historical record than was the rebellious activity of Russian serfs.
  - (C) Organized rebellions by slaves in the Western Hemisphere during the nineteenth century were most common in colonies with large estates that normally employed more than a hundred slaves.
  - (D) In the southern United States during the nineteenth century, those estates that were managed by intermediaries rather than by the owner generally relied upon the labor of at least a hundred slaves.
  - (E) The intermediaries who managed estates in Russia during the nineteenth century were in general much more competent as managers than the owners of the estates that they managed.
24. The fact that United States slavery and Russian serfdom were abolished during the same decade is cited by the author in the first paragraph primarily in order to
- (A) emphasize that rebellions in both countries eventually led to the demise of the two institutions
  - (B) cite a coincidence that de Tocqueville should have been able to foresee
  - (C) suggest one reason why more historians should have been drawn to a comparative study of the two institutions
  - (D) cite a coincidence that Kolchin's study has failed to explain adequately
  - (E) emphasize the underlying similarities between the two institutions

25. The author cites which one of the following as a factor that might have discouraged historians from undertaking a comparative study of Russian serfdom and United States slavery?
- (A) major differences in the political systems of the two countries
  - (B) major differences in the demographics of the two countries
  - (C) the failure of de Tocqueville to address the subject
  - (D) differences in the size of the estates on which slaves and serfs labored
  - (E) the comprehensiveness of Kolchin's own work
26. According to the passage, Kolchin's study asserts that which one of the following was true of Russian nobles during the nineteenth century?
- (A) They agreed to the abolition of serfdom in the 1860s largely as a result of their having been influenced by the abolition of slavery in the United States.
  - (B) They became more directly involved in the management of their estates as a result of the rebellions that occurred in the previous century.
  - (C) They commonly agreed to at least some of the demands that arose out of the *volnenie*.
  - (D) They had relatively little direct contact with the serfs who worked on their estates.
  - (E) They hastened the abolition of serfdom by failing to devise an effective response to the collective nature of the serfs' rebellious activity.
27. The passage suggests that which one of the following was true of southern planters in the United States?
- (A) They were as prepared for collective protest as were their Russian counterparts.
  - (B) Few of them owned plantations on which fewer than a hundred slaves worked.
  - (C) They managed their estates more efficiently than did their Russian counterparts.
  - (D) Few of them relied on intermediaries to manage their estates.
  - (E) The size of their estates was larger on average than the size of Russian estates.

### **LSAT 16 SECTION I**

**Time 35 minutes 27 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.*

Until the 1980s, most scientists believed that noncatastrophic geological processes caused the extinction of dinosaurs that occurred approximately 66 million years ago, at the end of the

Cretaceous period. Geologists argued that a dramatic drop in sea level coincided with the extinction of the dinosaurs and could have caused the climatic changes that resulted in this extinction as well as the extinction of many ocean species.

This view was seriously challenged in the 1980s by the discovery of large amounts of iridium in a layer of clay deposited at the end of the Cretaceous period. Because iridium is extremely rare in rocks on the Earth's surface but common in meteorites, researchers theorized that it was the impact of a large meteorite that dramatically changed the earth's climate and thus triggered the extinction of the dinosaurs.

Currently available evidence, however, offers more support for a new theory, the volcanic-eruption theory. A vast eruption of lava in India coincided with the extinctions that occurred at the end of the Cretaceous period, and the release of carbon dioxide from this episode of volcanism could have caused the climatic change responsible for the demise of the dinosaurs. Such outpourings of lava are caused by instability in the lowest layer of the Earth's mantle, located just above the Earth's core. As the rock that constitutes this layer is heated by the Earth's core, it becomes less dense and portions of it eventually escape upward as blobs or molten rock, called "diapirs," that can, under certain circumstances, erupt violently through the Earth's crust.

Moreover, the volcanic-eruption theory, like the impact theory, accounts for the presence of iridium in sedimentary deposits; it also explains matters that the meteorite-impact theory does not. Although iridium is extremely rare on the Earth's surface, the lower regions of the Earth's mantle have roughly the same composition as meteorites and contain large amounts of iridium, which in the case of a diapir eruption would probably be emitted as iridium hexafluoride, a gas that would disperse more uniformly in the atmosphere than the iridium-containing matter thrown out from a meteorite impact. In addition, the volcanic-eruption theory may explain why the end of the Cretaceous period was marked by a gradual change in sea level. Fossil records indicate that for several hundred thousand years prior to the relatively sudden disappearance of the dinosaurs, the level of the sea gradually fell, causing many marine organisms to die out. This change in sea level might well have been the result of a distortion in the Earth's surface that resulted from the movement of diapirs upward toward the Earth's crust, and the more cataclysmic extinction of the dinosaurs could have resulted from the explosive volcanism that occurred as material from the diapirs erupted onto the Earth's surface.

1. The passage suggests that during the 1980s researchers found meteorite impact a convincing explanation for the extinction of dinosaurs, in part because
  - (A) earlier theories had failed to account for the gradual extinction of many ocean species at the end of the Cretaceous period
  - (B) geologists had, up until that time, underestimated the amount of carbon dioxide that would be released during an episode of explosive volcanism
  - (C) a meteorite could have served as a source of the iridium found in a layer of clay deposited at the end of the Cretaceous period
  - (D) no theory relying on purely geological processes had, up until that time, explained the cause of the precipitous drop in sea level that occurred at the end of the Cretaceous period

- (E) the impact of a large meteorite could have resulted in the release of enough carbon dioxide to cause global climatic change
2. According to the passage, the lower regions of the Earth's mantle are characterized by
- (A) a composition similar to that of meteorites
  - (B) the absence of elements found in rocks on the Earth's crust
  - (C) a greater stability than that of the upper regions
  - (D) the presence of large amounts of carbon dioxide
  - (E) a uniformly lower density than that of the upper regions
3. It can be inferred from the passage that which one of the following was true of the lava that erupted in India at the end of the Cretaceous period?
- (A) It contained less carbon dioxide than did the meteorites that were striking the Earth's surface during that period.
  - (B) It was more dense than the molten rock, located just above the Earth's core.
  - (C) It released enough iridium hexafluoride into the atmosphere to change the Earth's climate dramatically.
  - (D) It was richer in iridium than rocks usually found on the Earth's surface.
  - (E) It was richer in iridium than were the meteorites that were striking the Earth's surface during that period.
4. In the passage, the author is primarily concerned with doing which one of the following?
- (A) describing three theories and explaining why the latest of these appears to be the best of the three
  - (B) attacking the assumptions inherent in theories that until the 1980s had been largely accepted by geologists
  - (C) outlining the inadequacies of three different explanations of the same phenomenon
  - (D) providing concrete examples in support of the more general assertion that theories must often be revised in light of new evidence
  - (E) citing evidence that appears to confirm the skepticism of geologists regarding a view held prior to the 1980s
5. The author implies that if the theory described in the third paragraph is true, which one of the following would have been true of iridium in the atmosphere at the end of the Cretaceous period?
- (A) Its level of concentration in the Earth's atmosphere would have been high due to a slow but steady increase in the atmospheric iridium that began in the early Cretaceous period.
  - (B) Its concentration in the Earth's atmosphere would have increased due to the dramatic decrease in sea level that occurred during the Cretaceous period.



- (C) It would have been directly responsible for the extinction of many ocean species.
- (D) It would have been more uniformly dispersed than iridium whose source had been the impact of a meteorite on the Earth's surface.
- (E) It would have been more uniformly dispersed than indium released into the atmosphere as a result of normal geological processes that occur on Earth.
6. The passage supports which one of the following claims about the volcanic-eruption theory?
- (A) It does not rely on assumptions concerning the temperature of molten rock at the lowest pan of the Earth's mantle.
- (B) It may explain what caused the gradual fall in sea level that occurred for hundreds of thousands of years prior to the more sudden disappearance of the dinosaurs.
- (C) It bases its explanation on the occurrence of periods of increased volcanic activity similar to those shown to have caused earlier mass extinctions.
- (D) It may explain the relative scarcity of iridium in rocks on the Earth's surface compared to its abundance in meteorites.
- (E) It accounts for the relatively uneven distribution of iridium in the layer of clay deposited at the end of the Cretaceous period.
7. Which one of the following, if true, would cast the most doubt on the theory described in the last paragraph of the passage?
- (A) Fragments of meteorites that have struck the Earth are examined and found to have only minuscule amounts of iridium hexafluoride trapped inside of them.
- (B) Most diapiir eruptions in the geological history of the Earth have been similar in size to the one that occurred in India at the end of the Cretaceous period and have not been succeeded by periods of climatic change.
- (C) There have been several periods in the geological history of the Earth, before and after the Cretaceous period, during which large numbers of marine species have perished.
- (D) The frequency with which meteorites struck the Earth was higher at the end of the Cretaceous period than at the beginning of the period.
- (E) Marine species tend to be much more vulnerable to extinction when exposed to a dramatic and relatively sudden change in sea level than when they are exposed to a gradual change in sea level similar to the one that preceded the extinction of the dinosaurs.

It has become something of a truism in folklore studies that until recently the lore was more often studied than the folk. That is, folklorists concentrated on the folklore—the songs, tales, and proverbs themselves—and ignored the people who transmitted that lore as part of their oral culture. However, since the early 1970s, folklore studies have begun to regard folk performers as people of creativity who are as worthy of attention as are artists who transmit

their ideas in writing. This shift of emphasis has also encouraged a growing interest in women folk performers.

Until recently, folklorists tended to collect folklore from women on only a few topics such as health and games. In other areas, as Weigle and Farrer have noted, if folklorists "had a choice between a story as told by a man or as told by a woman, the man's version was chosen." It is still too early to tell how profoundly this situation has changed, but one can point to several recent studies in which women performers play central roles. Perhaps more telling is the focus of the most recently published major folklore textbook, *The Dynamics of Folklore*. Whereas earlier textbooks gave little attention to women and their folklore, this book devotes many pages to women folk performers.

Recognition of women as important bearers of folklore is not entirely a recent phenomenon. As early as 1903, a few outstanding women folk performers were the focus of scholarly attention. But the scholarship devoted to these women tended to focus primarily on presenting the performer's repertoire. Recent works about women folk artists, however, have been more biographically oriented. Juha Pentikainen's study of Marina Tokalo, a Finnish healer and narrator of folktales, is especially extensive and probing. Though interested in the problems of repertoire analysis, Pentikainen gives considerable attention to the details of Tokalo's life and cultural background, so that a full picture of a woman and her folklore emerges. Another notable work is Roger Abraham's book, which presents a very clear picture of the significance of traditional singing in the life of noted ballad singer Almeda Riddle. Unfortunately, unlike Pentikainen's study, Abraham's study contains little repertoire analysis.

These recent books reflect the current interest of folklorists in viewing folklore in context and thus answering questions about what folklore means to the people who use it. One unexpected result of this line of study has been the discovery that women may use the same folklore that men use, but for very different purposes. This realization has potential importance for future folklore studies in calling greater attention to the type of study required if a folklorist wants truly to understand the role folklore plays in a particular culture.

8. Which one of the following best describes the main point of the passage?
- (A) It is only since the early 1970s that folklore studies have begun to recognize women as important bearers of folklore.
  - (B) A careful analysis of the repertoires of women folk performers has led to a new discovery with important implications for future folklore studies.
  - (C) Recent studies of women folk performers have focused primarily on the problems of repertoire analysis to the exclusion of a discussion of the culture within which the folklore was developed.
  - (D) The emphasis in folklore studies has shifted from a focus on the life and the cultural background of the folk performers themselves to a broader understanding of the role folklore plays in a culture.
  - (E) A change in the focus of folklore studies has led to increased interest in women folk performers and to a new understanding of the importance of the context in which folklore is produced.
9. The author of the passage refers to *The Dynamics of Folklore* primarily in order

to

- (A) support the idea that it is too soon to tell whether or not folklorists are giving greater attention to women's folklore
  - (B) refute Weigle and Farrer's contention that folklorists prefer to collect folklore from men rather than from women
  - (C) support the assertion that scholarship devoted to women folk performers tends to focus primarily on repertoire
  - (D) present an example of the new emphasis in folklore studies on the performer rather than on the folklore
  - (E) suggest that there are some signs that women folk performers are gaining increased critical attention in the field of folklore
10. The focus of which one of the following books would most clearly reflect the current interest of the folklorists mentioned in the last paragraph?
- (A) an anthology of tales and songs collected exclusively from women in different cultures
  - (B) a compilation of tales and songs from both men and women covering a great variety of traditional and nontraditional topics
  - (C) a study of the purpose and meaning of a tale or song for the men and women in a particular culture
  - (D) an analysis of one particular tale or song that documents changes in the text of the folklore over a period of time
  - (E) a comparison of the creative process of performers who transmit folklore with that of artists who transmit their ideas in writing
11. According to the passage, which one of the following changes has occurred in the field of folklore since the early 1970s?
- (A) increased recognition of the similar ways in which men and women use folklore
  - (B) increased recognition of folk performers as creative individuals
  - (C) increased emphasis on the need for repertoire analysis
  - (D) less emphasis on the relationship between cultural influences and folklore
  - (E) less emphasis on the individual performers and more emphasis on the meaning of folklore to a culture
12. It can be inferred from the passage that early folklorists assumed that which one of the following was true?
- (A) The people who transmitted the folklore did not play a creative role in the development of that folklore.
  - (B) The people who transmitted the folklore were not consciously aware of the way in which they creatively shaped that folklore.
  - (C) The text of a song or tale did not change as the folklore was transmitted from

- one generation to another.
- (D) Women were not involved in transmitting folklore except for songs or tales dealing with a few traditional topics.
- (E) The meaning of a piece of folklore could differ depending on whether the tale or song was transmitted by a man or by a woman.
13. Based on the information in the passage, which one of the following is most closely analogous to the type of folklore studies produced before the early 1970s?
- (A) An anthropologist studies the implements currently used by an isolated culture, but does not investigate how the people of that culture designed and used those implements.
- (B) A manufacturer hires a consultant to determine how existing equipment in a plant might be modified to improve efficiency, but does not ask employees for their suggestions on how to improve efficiency.
- (C) A historian studies different types of documents dealing with a particular historical event, but decides not to review newspaper accounts written by journalists who lived through that event.
- (D) An archaeologist studies the artifacts of an ancient culture to reconstruct the life-style of that culture, but does not actually visit the site where those artifacts were unearthed.
- (E) An architect designs a private home for a client, but ignores many of the client's suggestions concerning minor details about the final design of the home.
14. The author of the passage uses the term "context" (line 50) to refer to
- (A) a holistic assessment of a piece of folklore rather than a critical analysis of its parts
- (B) a study that examines a piece of folklore in light of earlier interpretations provided by other folklorists
- (C) the parts of a piece of folklore that can shed light on the meaning of the entire piece
- (D) the environment and circumstances in which a particular piece of folklore is used
- (E) the location in which the story line of a piece of folklore is set
15. The author's attitude toward Roger Abraham's book can best be described as one of
- (A) wholehearted approval
- (B) qualified admiration
- (C) uneasy ambivalence
- (D) extreme skepticism
- (E) trenchant criticism

J. G. A. Pocock's numerous investigations have all revolved around the fruitful assumption that a work of political thought can only be understood in light of the linguistic constraints to which its author was subject, for these prescribed both the choice of subject matter and the author's conceptualization of this subject matter. Only the occasional epic theorist, like Machiavelli or Hobbes, succeeded in breaking out of these bonds by redefining old terms and inventing new ones. The task of the modern commentator is to identify the "language" or "vocabulary" with and within which the author operated. While historians of literature have always been aware that writers work within particular traditions, the application of this notion to the history of political ideas forms a sharp contrast to the assumptions of the 1950s, when it was naively thought that the close reading of a text by an analytic philosopher was sufficient to establish its meaning, even if the philosopher had no knowledge of the period of the text's composition.

The language Pocock has most closely investigated is that of "civic humanism." For much of his career he has argued that eighteenth-century English political thought should be interpreted as a conflict between rival versions of the "virtue" central to civic humanism. On the one hand, he argues, this virtue is described by representatives of the Tory opposition using a vocabulary of public spirit and self-sufficiency. For these writers the societal ideal is the small, independent landowner in the countryside. On the other hand, Whig writers describe such virtue using a vocabulary of commerce and economic progress; for them the ideal is the merchant.

In making such linguistic discriminations Pocock has disassociated himself from historians like Namier, who deride all eighteenth-century English political language as "cant." But while Pocock's ideas have proved fertile when applied to England, they are more controversial when applied to the late-eighteenth-century United States. Pocock's assertion that Jefferson's attacks on the commercial policies of the Federalists simply echo the language of the Tory opposition in England is at odds with the fact that Jefferson rejected the elitist implications of that group's notion of virtue and asserted the right of all to participate in commercial society. Indeed, after promptings by Quentin Skinner, Pocock has admitted that a counterlanguage—one of rights and liberties—was probably as important in the political discourse of the late-eighteenth-century United States as the language of civic humanism. Fortunately, it is not necessary to rank the relative importance of all the different vocabularies in which eighteenth-century political argument was conducted. It is sufficient to recognize that any interesting text is probably a mixture of several of these vocabularies, and to applaud the historian who, though guilty of some exaggeration, has done the most to make us aware of their importance.

16. The main idea of the passage is that

- (A) civic humanism, in any of its manifestations, cannot entirely explain eighteenth-century political discourse
- (B) eighteenth-century political texts are less likely to reflect a single vocabulary than to combine several vocabularies
- (C) Pocock's linguistic approach, though not applicable to all eighteenth-century political texts, provides a useful model for historians of political theory
- (D) Pocock has more successfully accounted for the nature of political thought in

- eighteenth-century England than in the eighteenth-century United States
- (E) Pocock's notion of the importance of language in political texts is a logical extension of the insights of historians of literature
17. According to the passage, Pocock most clearly associates the use of a vocabulary of economic progress with
- (A) Jefferson
  - (B) Federalists
  - (C) English Whigs
  - (D) English Tories rural
  - (E) English landowners
18. The author's attitude toward Pocock is best revealed by which of the following pairs of words?
- (A) "fruitful" (line 2) and "cant" (line 39)
  - (B) "sharp" (line 16) and "elitist" (line 46)
  - (C) "naively" (line 17) and "controversial" (line 41)
  - (D) "fertile" (line 40) and "applaud" (line 60)
  - (E) "simply" (line 44) and "importance" (line 55)
19. The passage suggests that one of the "assumptions of the 1950s" (line 17) regarding the meaning of a political text was that this meaning
- (A) could be established using an approach similar to that used by literary historians
  - (B) could be definitively established without reference to the text's historical background
  - (C) could be closely read in several different ways depending on one's philosophic approach
  - (D) was constrained by certain linguistic preconceptions held by the text's author
  - (E) could be expressed most clearly by an analytic philosopher who had studied its historical context
20. The author of the passage would most likely agree that which one of the following is a weakness found in Pocock's work?
- (A) the use of the term "language" to describe the expressive features of several diverse kinds of discourse
  - (B) the overemphatic denigration of the role of the analytic philosopher in establishing the meaning of a political, or indeed any, text
  - (C) the emphasis on the overriding importance of civic humanism in eighteenth-century English political thought
  - (D) the insistence on a single linguistic dichotomy to account for political thought in eighteenth-century England and the United States



- (E) the assignment of certain vocabularies to particular parties in eighteenth-century England without taking note of how these vocabularies overlapped

21. Which one of the following best describes the organization of the passage?

- (A) A description of a thesis is offered, specific cases are considered, and an evaluation is given.
- (B) A thesis is brought forward, the thesis is qualified, and evidence that calls the qualification into question is stated.
- (C) A hypothesis is described, examples that suggest it is incorrect are summarized, and supporting examples are offered.
- (D) A series of evaluations are given, concrete reasons are put forward, and a future direction for research is suggested.
- (E) Comparisons and contrasts are made, some categories of evaluation are suggested, and a framework for applying these categories is implied.

In 1964 the United States federal government began attempts to eliminate racial discrimination in employment and wages: the United States Congress enacted Title VII of the Civil Rights Act, prohibiting employers from making employment decisions on the basis of race. In 1965 President Johnson issued Executive Order 11,246, which prohibited discrimination by United States government contractors and emphasized direct monitoring of minority representation in contractors' work forces.

Nonetheless, proponents of the "continuous change" hypothesis believe that United States federal law had a marginal impact on the economic progress made by black people in the United States between 1940 and 1975. Instead they emphasize slowly evolving historical forces, such as long-term trends in education that improved segregated schools for black students during the 1940s and were operative during and after the 1960s. They argue that as the quality of black schools improved relative to that of white schools, the earning potential of those attending black schools increased relative to the earning potential of those attending white schools.

However, there is no direct evidence linking increased quality of underfunded segregated black schools to these improvements in earning potential. In fact, even the evidence on relative schooling quality is ambiguous. Although in the mid-1940s term length at black schools was approaching that in white schools, the rapid growth in another important measure of school quality, school expenditures, may be explained by increases in teachers' salaries, and historically, such increases have not necessarily increased school quality. Finally, black individuals in all age groups, even those who had been educated at segregated schools before the 1940s, experienced post-1960 increases in their earning potential. If improvements in the quality of schooling were an important determinant of increased returns, only those workers who could have benefited from enhanced school quality should have received higher returns. The relative improvement in the earning potential of educated black people of all age groups in the United States is more consistent with a decline in employment discrimination.

An additional problem for continuity theorists is how to explain the rapid acceleration of black economic progress in the United States after 1964. Education alone cannot account for

the rate of change. Rather, the coincidence of increased United States government antidiscrimination pressure in the mid-1960s with the acceleration in the rate of black economic progress beginning in 1965 argues against the continuity theorists' view. True, correlating federal intervention and the acceleration of black economic progress might be incorrect. One could argue that changing attitudes about employment discrimination sparked both the adoption of new federal policies and the rapid acceleration in black economic progress. Indeed, the shift in national attitude that made possible the enactment of Title VII was in part produced by the persistence of racial discrimination in the southern United States. However, the fact that the law had its greatest effect in the South, in spite of the vigorous resistance of many Southern leaders, suggests its importance for black economic progress.

22. According to the passage, Title VII of the 1964 Civil Rights Act differs from Executive Order 11. 246 in that Title VII
- (A) monitors employers to ensure minority representation
  - (B) assesses the work forces of government contractors
  - (C) eliminates discriminatory disparities in wages
  - (D) focuses on determining minority representation in government
  - (E) governs hiring practices in a wider variety of workplaces
23. Which one of the following statements about schooling in the United States during the mid-1940s can be inferred from the passage?
- (A) School expenditures decreased for white schools.
  - (B) The teachers in white schools had more time to cover material during a school year than did teachers in black schools.
  - (C) The basic curriculum of white schools was similar to the curriculum at black schools.
  - (D) White schools did not change substantially in quality.
  - (E) Although the salaries of teachers in black schools increased, they did not keep pace with the salaries of teachers in white schools.
24. The primary purpose of the passage is to
- (A) explain why an argument about black economic progress is incomplete
  - (B) describe the impact of education on black economic progress
  - (C) refute an argument about the factors influencing black economic progress
  - (D) describe black economic progress before and after the 1960s
  - (E) clarify the current view about the factors influencing black economic progress
25. Which one of the following best states the position of proponents of the "continuous change" hypothesis regarding the relationship between law and racial discrimination?
- (A) Individuals cannot be forced by legal means to behave in nondiscriminatory ways.
  - (B) Discriminatory practices in education have been effectively altered by legal

- means.
- (C) Legislation alone has had little effect on racially discriminatory behavior.
- (D) Legislation is necessary, but not sufficient, to achieve changes in racial attitudes.
- (E) Legislation can only exacerbate conflicts about racially discriminatory behavior.
26. The author concedes that “correlating federal intervention and the acceleration of black economic progress might be incorrect” (lines 58-60) primarily in order to
- (A) strengthen the overall argument by anticipating an objection
- (B) introduce another factor that may have influenced black economic progress
- (C) concede a point to the continuity theorists
- (D) change the overall argument in light of the views of the continuity theorists
- (E) introduce a discussion about the impact of federal intervention on discrimination
27. The “continuous change” hypothesis, as it is presented in the passage, can best be applied to which one of the following situations?
- (A) Homes are found for many low-income families because the government funds a project to build subsidized housing in an economically depressed area.
- (B) A depressed economy does not cause the closing of small businesses in a local community because the government provides special grants to aid these businesses.
- (C) Unemployed people are able to obtain jobs because private contractors receive tax incentives for constructing office buildings in an area with a high unemployment rate.
- (D) A housing shortage is remedied because the changing state of the economy permits private investors to finance construction in a depressed area.
- (E) A community’s sanitation needs are met because neighborhood organizations lobby aggressively for government assistance.

**LSAT 17 SECTION I****Time 35 minutes 26 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.*

For the poet Philips Whitely, who was brought to colonial New England as a slave in 1761, the formal literary code of eighteenth-century English was thrice removed: by the initial barrier of the unfamiliar English language, by the discrepancy between spoken and literary forms of

English, and by the African tradition of oral rather than written verbal art. Wheatley transcended these barriers—she learned the English language and English literary forms so quickly and well that she was composing good poetry in English within a few years of her arrival in New England.

Wheatley's experience exemplifies the meeting of oral and written literary cultures. The aesthetic principles of the African oral tradition were preserved in America by folk artists in work songs, dancing, field hollers, religious music, the use of the drum, and, after the drum was forbidden, in the perpetuation of drum effects in song. African languages and the functions of language in African societies not only contributed to the emergence of a distinctive Black English but also exerted demonstrable effects on the manner in which other Americans spoke English. Given her African heritage and her facility with English and the conventions of English poetry, Wheatley's work had the potential to apply the ideas of a written literature to an oral literary tradition in the creation of an African American literary language.

But this was a potential that her poetry unfortunately did not exploit. The standards of eighteenth-century English poetry, which itself reflected little of the American language, led Wheatley to develop a notion of poetry as a closed system, derived from imitation of earlier written works. No place existed for the rough-and-ready Americanized English she heard in the streets, for the English spoken by Black people, or for Africanisms. The conventions of eighteenth-century neoclassical poetry ruled out casual talk; her choice and feelings had to be generalized according to rules of poetic diction and characterization; the particulars of her African past, if they were to be dealt with at all, had to be subordinated to the reigning conventions. African poetry did not count as poetry in her new situation, and African aesthetic canons were irrelevant to the new context because no linguistic or social framework existed to reinforce them. Wheatley adopted a foreign language and a foreign literary tradition; they were not extensions of her past experience, but replacements.

Thus limited by the eighteenth-century English literary code, Wheatley's poetry contributed little to the development of a distinctive African American literary language. Yet by the standards of the literary conventions in which she chose to work, Wheatley's poetry is undeniably accomplished, and she is justly celebrated as the first Black American poet.

1. Which one of the following best expresses the main idea of the passage?
  - (A) Folk artists employed more principles of African oral tradition in their works than did Phillis Wheatley in her poetry.
  - (B) Although Phillis Wheatley had to overcome significant barriers in learning English, she mastered the literary conventions of eighteenth-century English as well as African aesthetic canons.
  - (C) Phillis Wheatley's poetry did not fulfill the potential inherent in her experience but did represent a significant accomplishment.
  - (D) The evolution of a distinctive African American literary language can be traced from the creations of African American folk artists to the poetry of Phillis Wheatley.
  - (E) Phillis Wheatley joined with African American folk artists in preserving the principles of the African oral tradition.

2. The approach to poetry taken by a modern-day Italian immigrant in America would be most analogous to Phillis Wheatley's approach, as it is described in the passage, if the immigrant
- (A) translated Italian literary forms into the American idiom
  - (B) combined Italian and American literary traditions into a new form of poetic expression
  - (C) contributed to the development of a distinctive Italian American literary style
  - (D) defined artistic expression in terms of eighteenth-century Italian poetic conventions
  - (E) adopted the language and forms of modern American poetry
3. According to the passage, African languages had a notable influence on
- (A) the religious music of colonists in New England
  - (B) the folk art of colonists in New England
  - (C) formal written English
  - (D) American speech patterns
  - (E) eighteenth-century aesthetic principles
4. By a "closed system" of poetry (line 34-35), the author most probably means poetry that
- (A) cannot be written by those who are not raised knowing its conventions
  - (B) has little influence on the way language is actually spoken
  - (C) substitutes its own conventions for the aesthetic principles of the past
  - (D) does not admit the use of street language and casual talk
  - (E) is ultimately rejected because its conventions leave little room for further development
5. According to the passage, the standards of eighteenth century English poetry permitted Wheatley to include which one of the following in her poetry?
- (A) generalized feelings
  - (B) Americanized English
  - (C) themes from folk art
  - (D) casual talk
  - (E) Black speech
6. Which one of the following, if true, would most weaken the author's argument concerning the role that Wheatley played in the evolution of an African American literary language?
- (A) Wheatley's poetry was admired in England for its faithfulness to the conventions of neoclassical poetry.
  - (B) Wheatley compiled a history in English of her family's experiences in Africa and America.

- (C) The language barriers that Wheatley overcame were eventually transcended by all who were brought from Africa as slaves.
  - (D) Several modern African American poets acknowledge the importance of Wheatley's poetry to American literature.
  - (E) Scholars trace themes and expressions in African American poetry back to the poetry of Wheatley.
7. It can be inferred that the author of the passage would most probably have praised Phillis Wheatley's poetry more if it had
- (A) affected the manner in which slaves and freed Black people spoke English
  - (B) defined African American artistic expression in terms of earlier works
  - (C) adopted the standards of eighteenth-century English poetry
  - (D) combined elements of the English literary tradition with those of the African oral tradition
  - (E) focused on the barriers that written English literary forms presented to Black artists
8. Which one of the following most accurately characterizes the author's attitude with respect to Phillis Wheatley's literary accomplishments?
- (A) enthusiastic advocacy
  - (B) qualified admiration
  - (C) dispassionate impartiality
  - (D) detached ambivalence
  - (E) perfunctory dismissal

One scientific discipline, during its early stages of development, is often related to another as an antithesis to its thesis. The thesis discipline tends to concern itself with discovery and classification of phenomena, to offer holistic explanations emphasizing pattern and form, and to use existing theory to explain the widest possible range of phenomena. The paired or antidiscipline, on the other hand, can be characterized by a more focused approach, concentrating on the units of construction, and by a belief that the discipline can be reformulated in terms of the issues and explanations of the antidiscipline.

The relationship of cytology (cell biology) to biochemistry in the late nineteenth century, when both disciplines were growing at a rapid pace, exemplifies such a pattern. Researchers in cell biology found mounting evidence of an intricate cell architecture. They also deduced the mysterious choreography of the chromosomes during cell division. Many biochemists, on the other hand, remained skeptical of the idea that so much structure existed, arguing that the chemical reactions that occur in cytological preparations might create the appearance of such structures. Also, they stood apart from the debate then raging over whether protoplasm, the complex of living material within a cell, is homogeneous, networklike, granular, or foamlike. Their interest lay in the core "fundamental" issues of the chemical nature of protoplasm, especially the newly formulated enzyme theory of life.

In general, biochemists judged cytologists to be too ignorant of chemistry to grasp the



basic processes, whereas cytologists considered the methods of biochemists inadequate to characterize the structures of the living cell. The renewal of Mendelian genetics and, later, progress in chromosome mapping did little at first to effect a synthesis.

Both sides were essentially correct. Biochemistry has more than justified its extravagant early claims by explaining so much of the cellular machinery. But in achieving this feat (mostly since 1950) it has been partially transformed into the new discipline of molecular biology—biochemistry that deals with spatial arrangements and movements of large molecules. At the same time cytology has metamorphosed into modern cellular biology. Aided by electron microscopy, it has become more similar in language and outlook to molecular biology. The interaction of a discipline and its antidiscipline has moved both sciences toward a synthesis, namely molecular genetics.

This interaction between paired disciplines can have important results. In the case of late nineteenth-century cell research, progress was fueled by competition among the various attitudes and issues derived from cell biology and biochemistry. Joseph Fruton, a biochemist, has suggested that such competition and the resulting tensions among researchers are a principal source of vitality and “are likely to lead to unexpected and exciting novelties in the future, as they have in the past.”

9. Which one of the following best states the central idea of the passage?
- (A) Antithetical scientific disciplines can both stimulate and hinder one another’s research in complex ways.
  - (B) Antithetical scientific disciplines often interact with one another in ways that can be highly useful.
  - (C) As disciplines such as cytology and biochemistry advance, their interaction necessarily leads to a synthesis of their approaches.
  - (D) Cell research in the late nineteenth century was plagued by disagreements between cytologists and biochemists.
  - (E) In the late nineteenth century, cytologists and biochemists made many valuable discoveries that advanced scientific understanding of the cell.
10. The passage states that in the late nineteenth century cytologists deduced the
- (A) maps of chromosomes
  - (B) chemical nature of protoplasm
  - (C) spatial relationship of molecules within the cell
  - (D) role of enzymes in biological processes
  - (E) sequence of the movement of chromosomes during cell division
11. It can be inferred from the passage that in the late nineteenth century the debate over the structural nature of protoplasm (line 25-29) was most likely carried on
- (A) among cytologists
  - (B) among biochemists
  - (C) between cytologists and biochemists
  - (D) between cytologists and geneticists

- (E) between biochemists and geneticists
12. According to the passage, cytologists in the late nineteenth century were critical of the cell research of biochemists because cytologists believed that
- (A) the methods of biochemistry were inadequate to account for all of the chemical reactions that occurred in cytological preparations
  - (B) the methods of biochemistry could not adequately discover and explain the structures of living cells
  - (C) biochemists were not interested in the nature of protoplasm
  - (D) biochemists were not interested in cell division
  - (E) biochemists were too ignorant of cytology to understand the basic processes of the cell
13. The author quotes Fruton (lines 62-64) primarily in order to
- (A) restate the author's own conclusions
  - (B) provide new evidence about the relationship of cytology to biochemistry
  - (C) summarize the position of the biochemists described in the passage
  - (D) illustrate the difficulties encountered in the synthesis of disciplines
  - (E) emphasize the ascendancy of the theories of biochemists over those of cytologists
14. Which one of the following inferences about when the enzyme theory of life was formulated can be drawn from the passage?
- (A) The theory was formulated before the appearance of molecular biology.
  - (B) The theory was formulated before the initial discovery of cell architecture.
  - (C) The theory was formulated after the completion of chromosome mapping.
  - (D) The theory was formulated after a synthesis of the ideas of cytologists and biochemists had occurred.
  - (E) The theory was formulated at the same time as the beginning of the debate over the nature of protoplasm.
15. Which one of the following statements about cells is most compatible with the views of late nineteenth-century biochemists as those views are described in the passage?
- (A) The secret of cell function resides in the structure of the cell.
  - (B) Only by discovering the chemical composition of protoplasm can the processes of the cell be understood.
  - (C) Scientific knowledge about the chemical composition of the cell can help to explain behavioral patterns in organisms.
  - (D) The most important issue to be resolved with regard to the cell is determining the physical characteristics of protoplasm.
  - (E) The methods of chemistry must be supplemented before a full account of the

cell's structures can be made.

16. Which one of the following best describes the organization of the material presented in the passage?
- (A) An account of a process is given, and then the reason for its occurrence is stated.
  - (B) A set of examples is provided and then a conclusion is drawn from them.
  - (C) A general proposition is stated, and then an example is given.
  - (D) A statement of principles is made, and then a rationale for them is debated.
  - (E) A problem is analyzed, and then a possible solution is discussed.

There are two major systems of criminal procedure in the modern world—the adversarial and the inquisitorial. Both systems were historically preceded by the system of private vengeance in which the victim of a crime fashioned a remedy and administered it privately, either personally or through an agent.

The modern adversarial system is only one historical step removed from the private vengeance system and still remains some of its characteristic feature. For example, even though the right to initiate legal action against a criminal has now been extended to all members of society (as represented by the office of the public prosecutor), and even though the police department has effectively assumed the pretrial investigative functions on behalf of the prosecution, the adversarial system still leaves the defendant to conduct his or her own pretrial investigation. The trial is viewed as a forensic duel between two adversaries, presided over by a judge who, at the start, has no knowledge of the investigative background of the case. In the final analysis the adversarial system of criminal procedure symbolizes and regularizes punitive combat.

By contrast, the inquisitorial system begins historically where the adversarial system stopped its development. It is two historical steps removed from the system of private vengeance. From the standpoint of legal anthropology, then, it is historically superior to the adversarial system. Under the inquisitorial system, the public prosecutor has the duty to investigate not just on behalf of society but also on behalf of the defendant. Additionally, the public prosecutor has the duty to present the court not only evidence that would convict the defendant, but also evidence that could prove the defendant's innocence. The system mandates that both parties permit full pretrial discovery of the evidence in their possession. Finally, an aspect of the system that makes the trial less like a duel between two adversarial parties is that the inquisitorial system mandates that the judge take an active part in the conduct of the trial, with a role that is both directive and protective.

Fact-finding is at the heart of the inquisitorial system. This system operates on the philosophical premise that in a criminal action the crucial factor is the body of facts, not the legal rule (in contrast to the adversarial system), and the goal of the entire procedure is to attempt to recreate, in the mind of the court, the commission of the alleged crime.

Because of the inquisitorial system's thoroughness in conducting its pretrial investigation, it can be concluded that, if given the choice, a defendant who is innocent would prefer to be tried under the inquisitorial system, whereas a defendant who is guilty would prefer to be tried under the adversarial system.

17. It can be inferred from the passage that the crucial factor in a trial under the adversarial system is
- (A) rules of legality
  - (B) dramatic reenactments of the crime
  - (C) the search for relevant facts
  - (D) the victim's personal pursuit of revenge
  - (E) police testimony about the crime
18. The author sees the judge's primary role in a trial under the inquisitorial system as that of
- (A) passive observer
  - (B) biased referee
  - (C) uninvolved administrator
  - (D) aggressive investigator
  - (E) involved manager
19. According to the passage, a central distinction between the system of private vengeance and the two modern criminal procedure systems was the shift in responsibility for initiating legal action against a criminal from the
- (A) defendant to the courts
  - (B) victim to society
  - (C) defendant to the prosecutor
  - (D) courts to a law enforcement agency
  - (E) victim to the judge
20. All of the following are characteristics of the inquisitorial system that the author cites EXCEPT
- (A) It is based on cooperation rather than conflict.
  - (B) It encourages full disclosure of evidence.
  - (C) It requires that the judge play an active role in the conduct of the trial.
  - (D) It places the defendant in charge of his or her defense.
  - (E) It favors the innocent.
21. The author's attitude toward the inquisitorial system can best be described as
- (A) doubtful that its judges can be both directive and protective
  - (B) satisfied that it has potential for uncovering the relevant facts in a case
  - (C) optimistic that it will replace the adversarial system
  - (D) wary about its downplaying of legal rules
  - (E) critical of its close relationship with the private vengeance system

Outside the medical profession, there are various efforts to **cut medicine down to size**: not only widespread malpractice litigation and massive governmental regulation, but also attempts

by consumer groups and others to redefine medicine as a trade rather than as a profession, and the physician as merely a technician for hire under contract. Why should physicians (or indeed all sensible people) resist such efforts to give the practice of medicine a new meaning? We can gain some illumination from etymology. "Trade," from Germanic and Anglo-Saxon roots meaning "a course or pathway," has come to mean derivatively a habitual occupation and has been related to certain skills and crafts. On the other hand, while "profession" today also entails a habit of work, the word "profession" itself traces to an act of self-conscious and public—even confessional—speech. "To profess" preserves the meaning of its Latin source, to declare publicly; to announce, affirm, avow." A profession is an activity or occupation to which its practitioner publicly professes, that is, confesses, devotion. But public announcement seems insufficient; publicly declaring devotion to plumbing or auto repair would not turn these trades into professions.

Some believe that learning and knowledge are the diagnostic signs of a profession. For reasons probably linked to the medieval university, the term "profession" has been applied to the so-called learned professions—medicine, law, and theology—the practices of which are founded upon inquiry and knowledge rather than mere "know how." Yet it is not only the pursuit and acquisition of knowledge that makes one a professional. The knowledge involved makes the profession one of the learned variety, but its professional quality is rooted in something else.

Some mistakenly seek to locate that something else in the prestige and honor accorded professionals by society, evidenced in their special titles and the special deference and privileges they receive. But externalities do not constitute medicine a profession. Physicians are not professionals because they are honored; rather, they are honored because of their profession. Their titles and the respect they are shown superficially signify and acknowledge something deeper, *that* physicians are persons of the professional sort, knowingly and freely devoting themselves to a way of life worthy of such devotion. Just as lawyers devote themselves to rectifying injustices, looking up to what is lawful and right; just as teachers devote themselves to the education of the young, looking up to truth and wisdom; so physicians heal the sick, looking up to health and wholesomeness. Being a professional is thus rooted in our moral nature and in that which warrants and impels making a public confession to a way of life.

Professing oneself a professional is an ethical act because it is not a silent and private act, but an articulated and public one; because it promised continuing devotion to a way of life, not merely announces a present preference or a way to a livelihood; because it is an activity in service to some high good that insists on devotion; because it is difficult and demanding. A profession *engages* one's character and heart, not merely one's mind and hands.

22. According to the author, which one of the following is required in order that one be a professional?
- (A) significant prestige and a title
  - (B) "know-how" in a particular field
  - (C) a long and difficult educational endeavor
  - (D) a commitment to political justice

- (E) a public confession of devotion to a way of life
23. Which one of the following best expresses the main point made by the author in the passage?
- (A) Medicine is defined as a profession because of the etymology of the word “profession”.
- (B) It is a mistake to pay special honor to the knowledge and skills of physicians.
- (C) The work of physicians is under attack only because it is widely misunderstood.
- (D) The correct reason that physicians are professionals is that their work involves public commitment to a high good.
- (E) Physicians have been encouraged to think of themselves as technicians and need to reorient themselves toward ethical concerns.
24. The question posed by the author in lines 7-10 of the passage introduces which one of the following?
- (A) the author’s belief that it is futile to resist the trend toward defining the physician’s work as a trade
- (B) the author’s dislike of governmental regulation and consumer advocacy
- (C) the author’s inquiry into the nature of the practice of medicine
- (D) the author’s suggestions for rallying sensible people to a concentrated defense of physicians
- (E) the author’s fascination with the origins of words
25. In the passage, the author mentions or suggests all of the following EXCEPT
- (A) how society generally treats physicians
- (B) that the practice of medicine is analogous to teaching
- (C) that being a professional is in part a public act
- (D) the specific knowledge on which trades are based
- (E) how a livelihood is different from a profession
26. The author’s attitude toward professionals is best described as
- (A) eager that the work of one group of professionals, physicians, be viewed from a new perspective
- (B) sympathetic toward professionals who have become demoralized by public opinion
- (C) surprised that professionals have been balked by governmental regulations and threats of litigation
- (D) dismayed that most professionals have come to be considered technicians
- (E) certain that professionals confess a commitment to ethical ideals
27. Based on the information in the passage, it can be inferred that which one of the following would most logically begin a paragraph immediately following the



passage?

- (A) A skilled handicraft is a manual art acquired by habituation that enables trades people to tread regularly and reliably along the same path.
  - (B) Critics might argue that being a doctor, for example, requires no ethical or public act; thus medicine, **as such**, is morally neutral, does not bind character, and can be used for good or ill.
  - (C) Sometimes the pursuit of personal health competes with the pursuit of other goods, and it has always been the task of the community to order and define competing ends.
  - (D) Not least among the myriad confusions and uncertainties of our time are those attending efforts to discern and articulate the essential characteristics of the medial profession.
  - (E) When, in contrast, we come to physicians of **the whole body**, we come tacitly acknowledging the meaning of illness and its potential threat to all that we hold dear.
28. Which one of the following best describes the author's purpose in lines 18-42 of the passage?
- (A) The author locates the "something else" that truly constitutes a profession.
  - (B) The author dismisses efforts to redefine the meaning of the term "profession."
  - (C) The author considers, and largely criticizes several definitions of what constitutes a profession.
  - (D) The author clarifies the meaning of the term "profession" by advocating a return to its linguistic and historical roots.
  - (E) The author distinguishes trades such as plumbing and auto repair from professions such as medicine, law, and theology.

**LSAT 18 SECTION III**

**Time 35 minutes 26 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 fairness of the judicial process depends on the objective presentation of facts to an impartial jury made up of one's peers. Present the facts, and you have a fair trial. However, fact-finding, especially for interpersonal disagreements, is not so straightforward and is often contaminated by variables that reach beyond the legal domain.

A trial is an attempt to transport jurors to the time and place of the disputed event, to recreate the disputed event, or at least to explain that event with maximum accuracy. A trial **falls short of** this goal, however, because it presents selected witnesses who recite selected portions of their respective memories concerning selected observations of the disputed event.

These multiple selections are referred to as the abstraction process. Limitations in both perception and memory are responsible for the fact that the remembered event contains only a fraction of the detail present during the actual event, and the delay between observation and recitation causes witnesses' memories to lose even more of the original perceptions. During the course of a trial, a witness's recitation of the now-abstracted events may reflect selected disclosure based on his or her attitudes and motivations surrounding that testimony. Furthermore, the incidents reported are dependent on the lines of inquiry established by the attorneys involved. Accordingly, the recited data are a fraction of the remembered data, which are a fraction of the observed data, which are a fraction of the total data for the event.

After the event that led to the trial has been abstracted by participants in the trial, jurors are expected to resolve factual issues. Some of the jurors' conclusions are based on facts that were directly recited; others are found inferentially. Here another abstraction process takes place. Discussions during **deliberations** add to the collective pool of recalled evidentiary perceptions; nonetheless, the jurors' abstraction processes further reduce the number of characteristics traceable to the original event.

Complication can **arise from** false abstractions at each stage. Studies have shown that witnesses recall having perceived incidents that are known to be absent from a given event. Conversely, jurors can remember hearing evidence that is unaccounted for in court transcripts. Explanations for these phenomena range from bias through prior conditioning or observer expectation to faulty reportage of the event based on the constraints of language. Aberrant abstractions in perception or recollection may not be conscious or deliberate, but reliability is nevertheless diluted.

Finally, deliberate untruthfulness has always been recognized as a risk of testimonial evidence. Such intentionally false abstractions, however, are only a small part of the inaccuracies produced by the abstraction process.

1. In this passage, the author's main purpose is to
  - (A) discuss a process that jeopardizes the fairness of jury trials
  - (B) analyze a methodology that safeguards the individual's right to fair trial
  - (C) explain why jurors should view eyewitness testimony with skepticism
  - (D) defend the trial-by-jury process, despite its limitations
  - (E) point out the unavoidable abuses that have crept into the judicial process
2. The author considers all of the following obstacles to a fair trial EXCEPT
  - (A) selective perceptions
  - (B) faulty communications
  - (C) partial disclosures
  - (D) intentional falsifications
  - (E) too few abstractions
3. The author would most likely agree that the abstraction process occurs in the judicial process primarily because
  - (A) some jurors' conclusions are based on facts rather than on inferences

- (B) remembered events depend upon an individual's emotions
  - (C) human beings are the sources and users of data presented in trials
  - (D) it is difficult to distinguish between deliberate falsehood and unintentional selected disclosure
  - (E) witnesses often dispute one another's recollections of events
4. It can be inferred that the author believes the ability of juries to resolve factual issues is
- (A) limited by any individual juror's tendency to draw inferences from the facts presented during the trial
  - (B) overwhelmed by the collective pool of recalled evidentiary perceptions
  - (C) unaffected by the process of trying to reenact the event leading to the trial
  - (D) dependent upon the jury's ability to understand the influence of the abstraction process on testimony
  - (E) subject to the same limitations of perception and memory that affect witnesses
5. With which one of the following statements would the author most likely agree?
- (A) If deliberate untruthfulness were all the courts had to contend with, jury trials would be fairer than they are today.
  - (B) Lack of moral standards is more of an impediment to a fair trial than human frailty.
  - (C) The bulk of the inaccuracies produced by the abstraction process are innocently presented and rarely have any serious consequences.
  - (D) If the inaccuracies resulting from the abstraction process persist, the present trial-by-jury system is likely to become a thing of the past.
  - (E) Once intentional falsification of evidence is eliminated from trials, ensuring an accurate presentation of facts will easily follow.
6. The author's attitude toward the abstraction process that occurs when witnesses testify in a trial can best be described as
- (A) confident that witnesses can be conditioned to overcome many limitations of memory
  - (B) concerned that it may undermine witnesses ability to accurately describe the original event in dispute
  - (C) critical of witnesses' motivations when delivering testimony
  - (D) indifferent toward the effect the abstraction process has on testimony
  - (E) suspicious of witnesses' efforts to describe remembered events truthfully
7. Given the information in the passage, the actual event that is disputed in a jury trial is most like
- (A) a group of job applicants that is narrowed down to a few finalists
  - (B) a subject that is photographed from varied and increasingly distant vantage

points

- (C) scraps of fabric that are sewn together to make an intricately designed quilt
- (D) a puzzle that is unsystematically assembled through trial and error
- (E) a lie that is compounded by additional lies in order to be maintained

A medical article once pointed with great alarm to an increase in cancer among milk drinkers. Cancer, it seems, was becoming increasingly frequent in New England, Minnesota, Wisconsin, and Switzerland, where a lot of milk is produced and consumed, while remaining rare in Ceylon, where milk is scarce. For further evidence it was pointed out that cancer was less frequent in some states of the southern United States where less milk was consumed. Also, it was pointed out, milk-drinking English women get some kinds of cancer eighteen times as frequently as Japanese women who seldom drink milk.

A little digging might uncover quite a number of ways to account for these figures, but one factor is enough by itself to show them up. Cancer is predominantly a disease that strikes in middle life or after. Switzerland and the states of the United States mentioned first are alike in having populations with relatively long spans of life. English women at the time the study was made were living an average of twelve years longer than Japanese women.

Professor Helen M. Walker has worked out an amusing illustration of the folly in assuming there must be cause and effect whenever two things vary together. In investigating the relationship between age and some physical characteristics of women, begin by measuring the angle of the feet in walking. You will find that the angle tends to be greater among older women. You might first consider whether this indicates that women grow older because they toe out, and you can see immediately that this is ridiculous. So it appears that age increases the angle between the feet, and most women must come to toe out more as they grow older.

Any such conclusion is probably false and certainly unwarranted. You could only reach it legitimately by studying the same women—or possibly equivalent groups—over a period of time. That would eliminate the factor responsible here, which is that the older women grew up at a time when a young lady was taught to toe out in walking, while the members of the younger group were learning posture in a day when that was discouraged.

When you find somebody—usually an interested party—making a fuss about a correlation, look **first of all** to see if it is not one of this type, produced by the stream of events, the trend of the times. In our time it is easy to show a positive correlation between any pair of things like these: number of students in college, number of inmates in mental institutions, consumption of cigarettes, incidence of heart disease, use of X-ray machines, production of false teeth, salaries of California school teachers, profits of Nevada gambling halls. To call some one of these the cause of some other is manifestly silly. But it is done every day.

8. The author's conclusion about the relationship between age and the ways women walk indicates he believes that
- (A) toeing out is associated with aging
  - (B) toeing out is fashionable with the younger generation
  - (C) toeing out was fashionable for an older generation
  - (D) studying equivalent groups proves that toeing out increases with age

- (E) studying the same women over a period of time proves that toeing out increases with age
9. The author describes the posited relationship between toeing out and age (lines 29-40) in order to
- (A) illustrate a folly
  - (B) show how social attitudes toward posture change
  - (C) explain the effects of aging
  - (D) illustrate a medical problem
  - (E) offer a method to determine a woman's age from her footprints
10. Given the author's statements in the passage, his advice for evaluating statistics that show a high positive correlation between two conditions could include all the following statements EXCEPT
- (A) look for an explanation in the stream of events
  - (B) consider some trend of the times as the possible cause of both conditions
  - (C) account for the correlations in some way other than causality
  - (D) determine which of the two conditions is the cause and which is the effect
  - (E) decide whether the conclusions have been reached legitimately and the appropriate groupings have been made
11. Assume that there is a high statistical correlation between college attendance and individual earnings. Given this, the author would most probably agree with which one of the following statements about the cause-effect relationship between college attendance and income?
- (A) Someone's potential earnings may be affected by other variables, like wealth or intelligence, that are also associated with college attendance.
  - (B) Someone who attends graduate school will be rich.
  - (C) Someone who attends graduate school will earn more money than someone who does not.
  - (D) Someone who attends college will earn more money than someone who does not attend college.
  - (E) Someone who attends college will earn more money only because she does attend college.
12. According to the author, Professor Walker believes that
- (A) women who toe out age more rapidly than women who do not
  - (B) most women toe out as they grow older because age increases the angle between the feet
  - (C) older women tend to walk with a greater angle between the feet
  - (D) toeing out is the reason why women grow old
  - (E) a causal relationship must exist whenever two things vary together

13. The author would reject all the following statements about cause-effect relationships as explanations for the statistics that show an increase in cancer rates EXCEPT that the
- (A) Ceylonese drink more milk than the English
  - (B) Swiss produce and consume large quantities of dairy products
  - (C) Women of New England drink more milk than the women who live in some states of the southern United States
  - (D) People of Wisconsin have relatively high life expectancies
  - (E) People who live in some states of the southern United States have relatively high life expectancies
14. How would the author be most likely to explain the correlation between the “salaries of California school teachers [and the] profits of Nevada gambling halls” (Lines 63-64)?
- (A) There is a positive correlation that is probably due to California teachers’ working in Las Vegas on weekends to increase both their salaries and increase both their salaries and Nevada’s gambling profits.
  - (B) There is a positive correlation that is probably linked to general economic trends, but no direct causal relationship exists.
  - (C) There is a negative correlation that is probably linked to general economic trends, but no direct causal relationship exists.
  - (D) There is a negative correlation because the element that controls Las Vegas gambling probably has agents in the California school system.
  - (E) The author would deny the existence of any correlation whatsoever.

In most developed countries, men have higher salaries, on average, than women. Much of the salary differential results from the tendency of women to be in lower-paying occupations. The question of whether this occupational employment pattern can be attributed to sex discrimination is a complex one. In fact, wage differentials among occupations are the norm rather than the exception. Successful athletes commonly earn more than Nobel Prize-winning academics; gifted artists often cannot earn enough to survive, while mediocre investment bankers prosper. Given such differences, the question naturally arises: talent and ability being equal, why does anyone—man or woman—enter a low-paying occupation? One obvious answer is personal choice. An individual may prefer, for example, to teach math at a modest salary rather than to become a more highly paid electrical engineer.

Some people argue that personal choice also explains sex-related wage differentials. According to this explanation, many women, because they place a high priority on parenting and performing household services, choose certain careers in which they are free to enter and leave the work force with minimum penalty. They may choose to acquire skills, such as typing and salesclerking, that do not depreciate rapidly with temporary absences from the work force. They may avoid occupational specialties that require extensive training periods, long and unpredictable hours, and willingness to relocate, all of which make specialization in domestic activities problematic. By choosing to invest less in developing their career potential and to



expend less effort outside the home, women must, according to this explanation, pay a price in the form of lower salaries. But women cannot be considered the victims of discrimination because they prefer the lower-paying occupations to higher-paying ones.

An alternative explanation for sex-related wage differentials is that women do not voluntarily choose lower-paying occupations but are forced into them by employers and social prejudices. According to proponents of this view, employers who discriminate may refuse to hire qualified women for relatively high-paying occupations. More generally, subtle society-wide prejudices may induce women to avoid certain occupations in favor of others that are considered more suitable. Indeed, the "choice" of women to specialize in parenting and performing household services may itself result from these subtle prejudices. Whether the discrimination is by employers in a particular occupation or by society as a whole is irrelevant; the effect will be the same. Further, if such discrimination does occur, women excluded from certain occupations will flood others, and this increase in supply will have a depressing effect on wages in occupations dominated by women.

15. Which one of the following is the best title for the passage?
- (A) Wage Differentials Between Men and Women
  - (B) Women in Low-Paying Occupations: Do They Have a Choice?
  - (C) Sex Discrimination in the Workplace
  - (D) The Role of Social Prejudice in Women's Careers
  - (E) Home vs. Office: how Does the Modern Woman Choose?
16. In stating that "Successful athletes commonly earn more than Nobel Prize-winning academics" (lines 10-11), the author's primary purpose is to
- (A) demonstrate that education has little to do with making money
  - (B) suggest that people with talent and ability should not enter low-paying occupations
  - (C) show that highly paid occupations generally require long hours and extensive training
  - (D) imply that a person can be successful and still not make much money
  - (E) give an example of how certain occupations are better paid than others regardless of inherent worth or talent required
17. Which one of the following cases is least likely to involve sex discrimination, as it is described in the passage?
- (A) An employer hires a man rather than an equally qualified woman.
  - (B) A woman chooses to enter a high-paying occupation that uses her talent and ability.
  - (C) A woman chooses an occupation that is already dominated by women.
  - (D) A woman chooses a low-paying job that allows her to devote more time to her family.
  - (E) A woman chooses to avoid the pressure of being in an occupation not considered "suitable" for women.

18. Proponents of the “alternative explanation” (line 46) argue that
- (A) employers have difficulty persuading qualified women to enter relatively high-paying occupations
  - (B) women choose undemanding jobs because they wish to keep their career options open
  - (C) women will flood domestic occupations
  - (D) salaries in female-dominated occupations will decrease as more women are forced into those occupations by their exclusion from others
  - (E) women’s choice of occupation is irrelevant since they have always made less money than men and are likely to continue to do so
19. Which one of the following statements is the best completion of the last paragraph of the passage?
- (A) Wage differentials will become more exaggerated and economic parity between men and women less and less possible.
  - (B) Finally, women will be automatically placed in the same salary range as unskilled laborers.
  - (C) The question is: how long will women allow themselves to be excluded from male-dominated occupations?
  - (D) In the last analysis, women may need to ask themselves if they can really afford to allow sex discrimination to continue.
  - (E) Unless society changes its views, women may never escape the confines of the few occupations designated “For Women Only.”
20. The author’s attitude toward sex discrimination as an explanation for wage differentials can best be characterized as
- (A) critical of society’s acceptance of discrimination
  - (B) skeptical that discrimination is a factor
  - (C) convinced that the problem will get worse
  - (D) neutral with respect to its validity
  - (E) frustrated by the intractability of the problem

The **starting point** for any analysis of insurance classification is an obvious but fundamental fact: insurance is only one of a number of ways of satisfying the demand for protection against risk. With few exceptions, insurance need not be purchased; people can forgo it if insurance is too expensive. Indeed, as the price of coverage rises, the amount purchased and the number of people purchasing will decline. Instead of buying insurance, people will self-insure by accumulating saving to serve as a cushion **in the event of** loss, self-protect by spending more on loss protection, or simply use the money not spent on insurance to purchase other goods and services. An insurer must compete against these alternatives, even **in the absence of** competition from other insurers.

One method of competing for protection dollars is to classify potential purchasers into groups according to their probability of loss and the potential magnitude of losses if they occur.

Different risk classes may then be charged different premiums, depending on this expected loss. Were it not for the need to compete for protection dollars, an insurer could simply charge each individual a premium based on the average *expected* loss of all its insureds (plus a margin for profit and expenses), without incurring classification costs. In constructing risk classes, the insurer's goal is to calculate the expected loss of each insured, and to place insureds with similar expected losses into the same class, in order to charge each the same rate.

An insurer can capture protection dollars by classifying because, through classification, it can offer low-risk individuals lower prices. Classification, however, involves two costs. First, the process of classification is costly. Insurers must gather data and perform statistical operations on it; marketing may also be more costly when prices are not uniform. Second, classification necessarily raises premiums for poor risks, who purchase less coverage as a result. In the aggregate, classification is thus worthwhile to an insurer only when the gains produced from extra sales and fewer pay-outs outweigh classification costs plus the costs of lost sales. Even in the absence of competition from other insurers, an insurer who engages in at least some classification is likely to capture more protection dollars than it loses.

When there is not only competition for available protection dollars, but competition among insurers for premium dollars, the value of risk classification to insurers becomes even clearer. The more refined (and accurate) an insurer's risk classifications, the more capable it is of "skimming" good risks away from insurers whose classifications are less refined. If other insurers do not respond, either by refining their own classifications or by raising prices and catering mainly to high risks, their "book" of risks will contain a higher mixture of poor risks who are still being charged premiums calculated for average risks. These insurers will attract additional poor risks, and this resulting adverse selection will further disadvantage their competitive positions.

21. Which one of the following best identifies the main topic of the passage?
- (A) reduction of competition in the insurance business
  - (B) classification of potential insurance purchasers
  - (C) risk avoidance in insurance sales
  - (D) insurance protection and premiums
  - (E) methods of insurance classifying
22. The passage mentions all of the following as possible or certain costs of classifying EXCEPT the cost of
- (A) collecting facts
  - (B) conducting statistical analyses
  - (C) selling insurance at different prices
  - (D) a decrease in purchases by poor risks
  - (E) larger, albeit fewer, claims
23. Which one of the following is closest to the author's expressed position on competition in the insurance business?
- (A) It has a significant influence on most aspects of the insurance industry.

- (B) It is a relevant factor, but it has little practical consequence.
- (C) It is a basic but not very apparent element of the insurance business.
- (D) It provides a strong incentive for insurers to classify potential customers.
- (E) It is influential in insurance marketing practices.
24. The passage suggests that if all insurers classified risk, who among the following would be adversely affected?
- (A) all insurance purchasers
- (B) insurance purchasers who would be classified as poor risks
- (C) individuals who self-insured or self protected
- (D) insurers who had a high proportion of good risks in their “book” of risks
- (E) insurers with the most refined risk classifications
25. Given the discussion in the first paragraph, what is the distinction, if any, between “insurance” and “self-protection”?
- (A) There is very little or no distinction between the two terms.
- (B) Insurance is a kind of self-protection.
- (C) Self-protection is a kind of insurance.
- (D) Insurance and self-protection are two of several alternative means to a specific end.
- (E) Insurance and self-protection are the only two alternative means to a specific end.
26. Which one of the following is most closely analogous to the process of classification in insurance, as it is described in the passage?
- (A) devising a profile of successful employees and hiring on the basis of the profile
- (B) investigating the fuel efficiency of a make of automobile and deciding whether or not to buy on that basis
- (C) assessing an investor’s willingness to take risks before suggesting a specific investment
- (D) making price comparisons on potential major purchases and then seeking discounts from competing dealers
- (E) comparing prices for numerous minor items and the selecting one store for future purchases

**LSAT 19 SECTION IV****Time 35 minutes 27 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.*

Three kinds of study have been performed on Byron. There is the biographical study—the very valuable examination of Byron’s psychology and the events in his life. Escarpit’s 1958 work is an example of this kind of study and biographers **to this day** continue to speculate about Byron’s life. Equally valuable is the study of Byron as a figure important in the history of ideas; Russell and Praz have written studies of this kind. Finally, there are studies that primarily consider Byron’s poetry. Such literary studies are valuable, however, only when they avoid concentrating solely on analyzing the verbal shadings of Byron’s poetry **to the exclusion of** any discussion of biographical considerations. A study with such a concentration would be of questionable value because Byron’s poetry, **for the most part**, is simply not a poetry of subtle verbal meanings. Rather, on the whole, Byron’s poems record the emotional pressure of certain moments in his life. I believe we cannot often read a poem of Byron’s we often can one of Shakespeare’s without wondering what events or circumstances in his life prompted him to write it.

No doubt the fact that most of Byron’s poems cannot be convincingly read as subtle verbal creations indicates that Byron is not a “great” poet. It must be admitted too that Byron’s literary craftsmanship is irregular and often his temperament disrupts even his lax literary method (although the result, an absence of method, has a significant purpose: it functions as a rebuke to a cosmos that Byron feels he cannot understand). If Byron is not a “great” poet, his poetry is nonetheless of extraordinary interest to us because of the pleasure it gives us. Our main pleasure in reading Byron’s poetry is the contact with a singular personality. Reading his work gives us illumination—self-understanding—after we have seen our weaknesses and aspirations mirrored in the personality we usually find in the poems. Anyone who thinks that this kind of illumination is not a genuine reason for reading a poet should think carefully about why we read Donne’s sonnets.

It is Byron and Byron’s idea of himself that hold his work together (and that enthralled early nineteenth-century Europe). Different characters speak in his poems, but finally it is usually he himself who is speaking: a **far cry** from the impersonal poet Keats. Byron’s poetry alludes to Greek and Roman myth in the context of contemporary affairs, but his work remains generally of a piece because of his close presence in the poetry. In sum, the poetry is a shrewd personal performance, and to **shut out** Byron the man is to fabricate a work of pseudocriticism.

1. Which one of the following titles best expresses the main idea of the passage?
  - (A) An Absence of Method. Why Byron Is Not a “Great” Poet
  - (B) Byron: The Recurring Presence in Byron’s Poetry
  - (C) Personality and Poetry: The Biographical Dimension of Nineteenth-Century Poetry
  - (D) Byron’s Poetry: Its Influence on the imagination of Early-Nineteenth-Century Europe
  - (E) Verbal Shadings: The Fatal Flaw of Twentieth-Century Literary Criticism
2. The author’s mention of Russell and Praz serves primarily to
  - (A) differentiate them from one another

- (B) contrast their conclusions about Byron with those of Escarpit
  - (C) point out the writers whose studies suggest a new direction for Byron scholarship
  - (D) provide examples of writers who have written one kind of study of Byron
  - (E) give credit to the writers who have composed the best studies of Byron
3. Which one of the following would the author most likely consider to be a valuable study of Byron?
- (A) a study that compared Byron's poetic style with Keats' poetic style
  - (B) a study that argued that Byron's thought ought not to be analyzed in terms of its importance in the history of ideas
  - (C) a study that sought to identify the emotions felt by Byron at a particular time in his life
  - (D) a study in which a literary critic argues that the language of Byron's poetry was more subtle than that of Keat's poetry
  - (E) a study in which a literary critic drew on experiences from his or her own life
4. Which one of the following statements best describes the organization of first paragraph of the passage?
- (A) A generalization is made and then gradually refuted.
  - (B) A number of theories are discussed and then the author chooses the most convincing one.
  - (C) Several categories are mentioned and then one category is discussed in some detail.
  - (D) A historical trend is delineated and then a prediction about the future of the trend is offered.
  - (E) A classification is made and then a rival classification is substituted in its place.
5. The author mentions that "Byron's literary craftsmanship is irregular" (lines 27-28) most probably in order to
- (A) contrast Byron's poetic skill with that of Shakespeare
  - (B) dismiss craftsmanship as a standard by which to judge poets
  - (C) offer another reason why Byron is not a "great" poet
  - (D) point out a negative consequence of Byron's belief that the cosmos is incomprehensible
  - (E) indicate the most-often-cited explanation of why Byron's poetry lacks subtle verbal nuances
6. According to the author Shakespeare's poems differ from Byron's in that Shakespeare's poems
- (A) have elicited a wider variety of responses from both literary critics and biographers



- (B) are on the whole less susceptible to being read as subtle verbal creations
  - (C) do not grow out of or are not motivated by actual events or circumstances in the poet's life
  - (D) provide the attentive reader with a greater degree of illumination concerning his or her own weaknesses and aspirations
  - (E) can often be read without the reader's being curious about what biographical factors motivated the poet to write them
7. The author indicates which one of the following about biographers' speculation concerning Byron's life?
- (A) Such speculation began in earnest with Escarpit's study
  - (B) Such speculation continues today
  - (C) Such speculation is less important than consideration of Byron's poetry
  - (D) Such speculation has not given us a satisfactory sense of Byron's life
  - (E) Such speculation has been carried out despite the objections of literary critics
8. The passage supplies specific information that provides a definitive answer to which one of the following questions?
- (A) What does the author consider to be the primary enjoyment derived from reading Byron?
  - (B) Who among literary critics has primarily studied Byron's poems?
  - (C) Which moments in Byron's life exerted the greatest pressure on his poetry?
  - (D) Has Byron ever been considered to be a "great" poet?
  - (E) Did Byron exert an influence on Europeans in the latter part of the nineteenth century?

The United States Supreme Court has not always resolved legal issues of concern to Native Americans in a manner that has pleased the Indian nations. Many of the Court's decisions have been products of political compromise that looked more to the temper of the times than to enduring principles of law. But accommodation is part of the judicial system in the United States, and judicial decisions must be assessed with this fact in mind.

Despite the "accommodating" nature of the judicial system, it is worth noting that the power of the Supreme Court has been exercised in a manner that has usually been beneficial to Native Americans, at least on minor issues and has not been wholly detrimental on the larger, more important issues. Certainly there have been decisions that cast doubt on the validity of this assertion. Some critics point to the patronizing tone of many Court opinions and the apparent rejection of Native American values as important points to consider when reviewing a case. However, the validity of the assertion can be illustrated by reference to two important contributions that have resulted from the exercise of judicial power.

First the Court has created rules of judicial construction that in general favor the rights of Native American litigants. The Court's attitude has been conditioned by recognition of the distinct disadvantages Native Americans faced when dealing with settlers in the past. Treaties were inevitably written in English for the benefit of their authors, whereas tribal leaders were

accustomed to making treaties without any written account, on the strength of mutual promises sealed by religious commitment and individual integrity. The written treaties were often broken and Native Americans were confronted with fraud and political and military aggression. The Court recognizes that past unfairness to Native Americans cannot be sanctioned by the force of law. Therefore, ambiguities in treaties are to be interpreted in favor of the Native American claimants, treaties are to be interpreted as the Native Americans would have understood them and, under the reserved rights doctrine, treaties reserve to Native Americans all rights that have not been specifically granted away in other treaties.

A second achievement of the judicial system is the protection that has been provided against encroachment by the states into tribal affairs. Federal judges are not inclined to view favorably efforts to extend states powers and jurisdictions because of the direct threat that such expansion poses to the exercise of federal powers. In the absence of a federal statute directly and clearly allocating a function to the states, federal judges are inclined to reserve for the federal government—and the tribal governments under its charge—all those powers and rights they can be said to have possessed historically.

9. According to the passage, one reason why the United States Supreme Court “has not always resolved legal issues of concern to Native Americans in a manner that has pleased the Indian nations” (lines 1-4) is that
- (A) Native Americans have been prevented from presenting their concerns persuasively
  - (B) the Court has failed to recognize that the Indian nations’ concerns are different from those of other groups or from those of the federal government
  - (C) the Court has been reluctant to curtail the powers of the federal government
  - (D) Native Americans faced distinct disadvantages in dealing with settlers in the past
  - (E) the Court has made political compromises in deciding some cases
10. It can be inferred that the objections raised by the critics mentioned in line 18 would be most clearly answered by a United States Supreme Court decision that
- (A) demonstrated respect for Native Americans and the principles and qualities they consider important
  - (B) protected the rights of the states in conflicts with the federal government
  - (C) demonstrated recognition of the unfair treatment Native Americans received in the past
  - (D) reflected consideration of the hardships suffered by Native Americans because of unfair treaties
  - (E) prevented repetition of inequities experienced by Native Americans in the past
11. It can be inferred that the author calls the judicial system of the United States “accommodating” (line 10) primarily in order to
- (A) suggest that the decisions of the United States Supreme Court have been less

- favorable to Native Americans than most people believe
- (B) suggest that the United States Supreme Court should be more supportive of the goals of Native Americans
- (C) suggest a reason why the decisions of the United States Supreme Court have not always favored Native Americans
- (D) indicate that the United States Supreme Court has made creditable efforts to recognize the values of Native Americans
- (E) indicate that the United States Supreme Court attempts to be fair to all parties to a case
12. The author's attitude toward the United States Supreme Court's resolution of legal issues of concern to Native Americans can best be described as one of
- (A) wholehearted endorsement
- (B) restrained appreciation
- (C) detached objectivity
- (D) cautious opposition
- (E) suppressed exasperation
13. It can be inferred that the author believes that the extension of the states' powers and jurisdictions with respect to Native American affairs would be
- (A) possible only with the consent of the Indian nations
- (B) favorably viewed by the United States Supreme Court
- (C) in the best interests of both state and federal governments
- (D) detrimental to the interests of Native Americans
- (E) discouraged by most federal judges in spite of legal precedents supporting the extension
14. The author's primary purpose is to
- (A) contrast opposing views
- (B) reevaluate traditional beliefs
- (C) reconcile divergent opinions
- (D) assess the claims made by disputants
- (E) provide evidence to support a contention
15. It can be inferred that the author believes the United States Supreme Court's treatment of Native Americans to have been
- (A) irreproachable on legal grounds
- (B) reasonably supportive in most situations
- (C) guided by enduring principles of law
- (D) misguided but generally harmless
- (E) harmful only in a few minor cases

When catastrophe strikes, analysts typically blame some combination of powerful mechanisms. An earthquake is traced to an immense instability along a fault line; a stock market crash is blamed on the destabilizing effect of computer trading. These explanations may well be correct. But systems as large and complicated as the Earth's crust or the stock market can break down not only under the force of a mighty blow but also at the drop of a pin. In a large interactive system, a minor event can start a chain reaction that leads to a catastrophe.

Traditionally, investigators have analyzed large interactive systems **in the same way** they analyze small orderly systems, mainly because the methods developed for small systems have proved so successful. They believed they could predict the behavior of a large interactive system by studying its elements separately and by analyzing its component mechanisms individually. For lack of a better theory, they assumed that in large interactive systems the response to a disturbance **is proportional to** that disturbance.

During the past few decades, however, it has become increasingly apparent that many large complicated systems do not yield to traditional analysis. Consequently, theorists have proposed a "theory of self-organized criticality": many large interactive systems evolve naturally to a critical state in which a minor event starts a chain reaction that can affect any number of elements in the system. Although such systems produce more minor events than catastrophes, the mechanism that leads to minor events is the same one that leads to major events.

A deceptively simple system serves as a paradigm for self-organized criticality: a pile of sand. As sand is poured one grain at a time onto a flat disk, the grains at first stay close to the position where they land. Soon they rest on top of one another, creating a pile that has a gentle slope. **Now and then**, when the slope becomes too steep, the grains slide down, causing a small avalanche. The system reaches its critical state when the amount of sand added is balanced, on average, by the amount falling off the edge of the disk.

Now when a grain of sand is added, it can start an avalanche of any size, including a "catastrophic" event. Most of the time the grain will fall so that no avalanche occurs. By studying a specific area of the pile, one can even predict whether avalanches will occur there in the near future. To such a local observer, however, large avalanches would remain unpredictable because they are a consequence of the total history of the entire pile. No matter what the local dynamics are, catastrophic avalanches would persist at a relative frequency that cannot be altered: Criticality is a global property of the sandpile.

16. The passage provides support for all of the following generalizations about large interactive systems EXCEPT:
- (A) They can evolve to a critical state.
  - (B) They do not always yield to traditional analysis.
  - (C) They make it impossible for observers to make any predictions about them.
  - (D) They are subject to the effects of chain reactions.
  - (E) They are subject to more minor events than major events.
17. According to the passage, the criticality of a sandpile is determined by the
- (A) size of the grains of sand added to the sandpile

- (B) number of grains of sand the sandpile contains
  - (C) rate at which sand is added to the sandpile
  - (D) shape of the surface on which the sandpile rests
  - (E) balance between the amount of sand added to and the amount lost from the sandpile
18. It can be inferred from the passage that the theory employed by the investigators mentioned in the second paragraph would lead one to predict that which one of the following would result from the addition of a grain of sand to a sandpile?
- (A) The grain of sand would never cause anything more than a minor disturbance.
  - (B) The grain of sand would usually cause a minor disturbance, but would occasionally cause a small avalanche.
  - (C) The grain of sand would usually cause either minor disturbance or a small avalanche, but would occasionally cause a catastrophic event.
  - (D) The grain of sand would usually cause a catastrophic event, but would occasionally cause only a small avalanche or an event more minor disturbance.
  - (E) The grain of sand would invariably cause a catastrophic event.
19. Which one of the following best describes the organization of the passage?
- (A) A traditional procedure is described and its application to common situations is endorsed; its shortcomings in certain rare but critical circumstances are then revealed.
  - (B) A common misconception is elaborated and its consequences are described a detailed example of one of these consequences is then given.
  - (C) A general principle is stated and supported by several examples; an exception to the rule is then considered and its importance evaluated.
  - (D) A number of seemingly unrelated events are categorized; the underlying processes that connect them are then detailed.
  - (E) A traditional method of analysis is discussed and the reasons for its adoption are explained; an alternative is then described and clarified by means of an example.
20. Which one of the following is most analogous to the method of analysis employed by the investigators mentioned in the second paragraph?
- (A) A pollster gathers a sample of voter preferences and on the basis of this information makes a prediction about the outcome of an election.
  - (B) A historian examines the surviving documents detailing the history of a movement and from these documents reconstructs a chronology of the events that initiated the movement.
  - (C) A meteorologist measures the rainfall over a certain period of the year and from this data calculates the total annual rainfall for the region.

- (D) A biologist observes the behavior of one species of insect and from these observations generalizes about the behavior of insects as a class.
- (E) An engineer analyzes the stability of each structural element of a bridge and from these analyses draws a conclusion about the structural soundness of the bridge.

21. In the passage, the author is primarily concerned with

- (A) arguing against the abandonment of a traditional approach
- (B) describing the evolution of a radical theory
- (C) reconciling conflicting points of view
- (D) illustrating the superiority of a new theoretical approach
- (E) advocating the reconsideration of an unfashionable explanation

Historians have long accepted the notion that women of English descent who lived in the English colonies of North America during the seventeenth and eighteenth centuries were better off than either the contemporary women in England or the colonists' own nineteenth-century daughters and granddaughters. The "golden age" theory originated in the 1920s with the work of Elizabeth Dexter, who argued that there were relatively few women among the colonists, and that all hands—male and female—were needed to sustain the growing settlements. Rigid sex-role distinctions could not exist under such circumstances; female colonists could accordingly engage in whatever occupations they wished, encountering few legal or social constraints if they sought employment outside the home. The surplus of male colonists also gave women crucial bargaining power in the marriage market since women's contributions were vital to the survival of colonial households.

Dexter's portrait of female colonists living under conditions of rough equality with their male counterparts was eventually incorporated into studies of nineteenth-century middle-class women. The contrast between the self-sufficient colonial woman and the oppressed nineteenth-century woman, confined to her home by stultifying ideologies of domesticity and by the fact that industrialization eliminated employment opportunities for middle-class women, gained an extraordinarily tenacious hold on historians. Even scholars who have questioned the "golden age" view of colonial women's status have continued to accept the paradigm of a nineteenth-century decline from a more desirable past. For example, Joan Hoff-Wilson asserted that there was no "golden age" and yet emphasized that the nineteenth century brought "increased loss of function and authentic status for" middle-class women.

Recent publications about colonial women have exposed the concept of a decline in status as simplistic and unsophisticated, a theory that based its assessment of colonial women's status solely on one factor (their economic function in society) and assumed all too readily that a relatively simple social system automatically brought higher standing to colonial women. The new scholarship presents a far more complicated picture, one in which definitions of gender roles, the colonial economy, demographic patterns, religion, the law, and household organization all contributed to defining the circumstances of colonial women's lives. Indeed, the primary concern of modern scholarship is not to generalize about women's status but to identify the specific changes and continuities in women's lives during the colonial period. For example, whereas earlier historians suggested that there was little change for colonial women before



1800, the new scholarship suggests that a three-part chronological division more accurately reflects colonial women's experiences. First was the initial period of English colonization (from the 1620s to about 1660); then a period during which patterns of family and community were challenged and reshaped (roughly from 1660 to 1750); and finally the era of revolution (approximately 1750 to 1815), which brought other changes to women's lives.

22. Which one of the following best expresses the main idea of the passage?
- (A) An earlier theory about the status of middle-class women in the nineteenth century has been supported by recent scholarship.
  - (B) Recent studies of middle-class nineteenth-century women have altered an earlier theory about the status of colonial women.
  - (C) Recent scholarship has exposed an earlier theory about the status of colonial women as too narrowly based and oversimplified.
  - (D) An earlier theory about colonial women has greatly influenced recent studies on middle-class women in the nineteenth century.
  - (E) An earlier study of middle-class women was based on insufficient research on the status of women in the nineteenth century.
23. The author discusses Hoff-Wilson primarily in order to
- (A) describe how Dexter's theory was refuted by historians of nineteenth-century North America
  - (B) describe how the theory of middle-class women's nineteenth-century decline in status was developed
  - (C) describe an important influence on recent scholarship about the colonial period
  - (D) demonstrate the persistent influence of the "golden age" theory
  - (E) provide an example of current research on the colonial period
24. It can be inferred from the passage that the author would be most likely to describe the views of the scholars mentioned in line 32 as
- (A) unassailable
  - (B) innovative
  - (C) paradoxical
  - (D) overly sophisticated
  - (E) without merit
25. It can be inferred from the passage that in proposing the "three-part chronological division" (lines 60-61), scholars recognized which one of the following?
- (A) The circumstances of colonial women's lives were defined by a broad variety of social and economic factors.
  - (B) Women's lives in the English colonies of North America were similar to women's lives in seventeenth- and eighteenth-century England.
  - (C) Colonial women's status was adversely affected when patterns of family and

- community were established in the late seventeenth century.
- (D) Colonial women's status should be assessed primarily on the basis of their economic function in society.
- (E) Colonial women's status was low when the colonies were settled but changed significantly during the era of revolution.
26. According to the author, the publications about colonial women mentioned in the third paragraph had which one of the following effects?
- (A) They undermined Dexter's argument on the status of women colonists during the colonial period.
- (B) They revealed the tenacity of the "golden age" theory in American history.
- (C) They provided support for historians, such as Hoff-Wilson. Who study the nineteenth century.
- (D) They established that women's status did not change significantly from the colonial period to the nineteenth century.
- (E) They provided support for earlier theories about women colonists in the English colonies of North America.
27. Practitioners of the new scholarship discussed in the last paragraph would be most likely to agree with which one of the following statements about Dexter's argument?
- (A) It makes the assumption that women's status is determined primarily by their political power in society.
- (B) It makes the assumption that a less complex social system necessarily confers higher status on women.
- (C) It is based on inadequate research on women's economic role in the colonies.
- (D) It places too much emphasis on the way definitions of gender roles affected women colonists in the colonial period.
- (E) It accurately describes the way women's status declined in the nineteenth century.

### **LSAT 20 SECTION IV**

**Time 35 minutes 27 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.*

Musicologists concerned with the "London **Pianoforte** school," the group of composers, pedagogues, pianists, publishers, and builders who contributed to the development of the piano in London at the turn of the nineteenth century, have long encountered a formidable

obstacle in the general unavailability of music of this “school” in modern scholarly editions. Indeed, much of this repertory has more or less vanished from our historical consciousness. Granted, the sonatas and *Gradus ad Parnassum* of Muzio Clementi and the nocturnes of John Field have remained familiar enough (though **more often than not** in editions lacking scholarly rigor), but the work of other leading representatives, like Johann Baptist Cramer and Jan Ladislav Dussek, has eluded serious attempts at revival.

Nicholas Temperley’s ambitious new anthology decisively overcomes this deficiency. What underscores the intrinsic value of Temperley’s editions is that the anthology reproduces nearly all of the original music in **facsimile**. Making available this **cross section** of English musical life—some 800 works by 49 composers—should encourage new critical perspectives about how piano music evolved in England, an issue of considerable relevance to our understanding of how piano music developed on the European continent, and of how, finally, the instrument was transformed from the fortepiano to what we know today as the piano.

**To be sure**, the London Pianoforte school itself calls for **review**. “School” may well be too strong a word for what was arguably a group unified not so much by stylistic principles or aesthetic creed as by the geographical circumstance that they worked at various times in London and produced pianos and piano music for English pianos and English markets. Indeed, Temperley concedes that their “variety may be so great as to cast doubt on the notion of a ‘school.’”

The notion of a school was first propounded by Alexander Ringer, who argued that laws of artistic survival forced the young, progressive Beethoven to turn outside Austria for creative models, and that he found inspiration in a group of pianists connected with Clementi in London. Ringer’s proposed London Pianoforte school did suggest a circumscribed and fairly unified group—**for want of** a better term, a school—of musicians whose influence was felt primarily in the decades just before and after 1800. After all, Beethoven did respond to the advances of the Broadwood piano—its **reinforced frame**, extended compass, triple stringing, and pedals, for example—and it is reasonable to suppose that London pianists who composed music for such an instrument during the critical phase of its development exercised no small degree of influence on Continental musicians. Nevertheless, perhaps the most sensible approach to this issue is to define the school by the period (**c.** 1766-1873) during which it flourished, as Temperley has done in the anthology.

1. Which one of the following most accurately states the author’s main point?
  - (A) Temperley has recently called into question the designation of a group of composers, pedagogues, pianists, publishers, and builders as the London Pianoforte school.
  - (B) Temperley’s anthology of the music of the London Pianoforte school contributes significantly to an understanding of an influential period in the history of music.
  - (C) The music of the London Pianoforte school has been revived by the publication of Temperley’s new anthology.
  - (D) Primary sources for musical manuscripts provide the most reliable basis for musicological research.

- (E) The development of the modern piano in England influenced composers and other musicians throughout Europe.
2. It can be inferred that which one of the following is true of the piano music of the London Pianoforte school?
- (A) The nocturnes of John Field typify the London Pianoforte school style.
- (B) The *Gradus ad Parnassum* of Muzio Clementi is the best-known work of these composers.
- (C) No original scores for this music are extant.
- (D) Prior to Temperley's edition, no attempts to issue new editions of this music had been made.
- (E) In modern times much of the music of this school has been little known even to musicians.
3. The author mentions the sonatas of Muzio Clementi and the nocturnes of John Field as examples of which one of the following?
- (A) works by composers of the London Pianoforte school that have been preserved in rigorous scholarly editions
- (B) works that are no longer remembered by most people
- (C) works acclaimed by the leaders of the London Pianoforte school
- (D) works by composers of the London Pianoforte school that are relatively well known
- (E) works by composers of the London Pianoforte school that have been revived by Temperley in his anthology
4. Which one of the following, if true, would most clearly undermine a portion of Ringer's argument as the argument is described in the passage?
- (A) Musicians in Austria composed innovative music for the Broadwood piano as soon as the instrument became available.
- (B) Clementi and his followers produced most of their compositions between 1790 and 1810.
- (C) The influence of Continental musicians is apparent in some of the works of Beethoven.
- (D) The pianist-composers of the London Pianoforte school shared many of the same stylistic principles.
- (E) Most composers of the London Pianoforte school were born on the Continent and were drawn to London by the work of Clementi and his followers.
5. It can be inferred that the author uses the word "advances" (line 49) to refer to
- (A) enticements offered musicians by instrument manufacturers
- (B) improvements in the structure of a particular instrument
- (C) innovations in the forms of music produced for a particular instrument
- (D) stylistic elaborations made possible by changes in a particular instrument

- (E) changes in musicians' opinions about a particular instrument
6. It can be inferred from the passage as a whole that the author's purpose in the third paragraph is primarily to
- (A) cast doubt on the usefulness of Temperley's study of the London Pianoforte school
  - (B) introduce a discussion of the coherency of the London Pianoforte school
  - (C) summarize Ringer's argument about the London Pianoforte school
  - (D) emphasize the complex nature of the musicological elements shared by members of the London Pianoforte school
  - (E) identify the unique contributions made to music by the London Pianoforte school
7. The author of the passage is primarily concerned with
- (A) explaining the influence of the development of the pianoforte on the music of Beethoven
  - (B) describing Temperley's view of the contrast between the development of piano music in England and the development of piano music elsewhere in Europe
  - (C) presenting Temperley's evaluation of the impact of changes in piano construction on styles and forms of music composed in the era of the London Pianoforte school
  - (D) considering an alternative theory to that proposed by Ringer concerning the London Pianoforte school
  - (E) discussing the contribution of Temperley's anthology to what is known of the history of the London Pianoforte school
8. It can be inferred that Temperley's anthology treats the London Pianoforte school as
- (A) a group of pianist-composers who shared certain stylistic principles and artistic creeds
  - (B) a group of people who contributed to the development of piano music between 1766 and 1873
  - (C) a group of composers who influenced the music of Beethoven in the decades just before and just after 1800
  - (D) a series of compositions for the pianoforte published in the decades just before and just after 1800
  - (E) a series of compositions that had a significant influence on the music of the Continent in the eighteenth and nineteenth centuries

What is "law"? By what processes do judges arrive at opinions, those documents that justify their belief that the "law" dictates a conclusion one way or the other? These are among the oldest questions in jurisprudence, debate about which has traditionally been dominated by representatives of two schools of thought: proponents of natural law, who see law as

intertwined with a moral order independent of society's rules and mores, and legal positivists, who see law solely as embodying the commands of a society's ruling authority.

Since the early 1970s, these familiar questions have received some new and surprising answers in the legal academy. This novelty is in part a consequence of the increasing influence there of academic disciplines and intellectual traditions previously unconnected with the study of law. Perhaps the most influential have been the answers given by the Law and Economics school. According to these legal economists, law consists and ought to consist of those rules that maximize a society's material wealth and that abet the efficient operation of markets designed to generate wealth. More controversial have been the various answers provided by members of the Critical Legal Studies movement, according to whom law is one among several cultural mechanisms by which holders of power seek to legitimate their domination. Drawing on related arguments developed in anthropology, sociology, and history, the critical legal scholars contend that law is an expression of power, but not, as held by the positivists, the power of the legitimate sovereign government. Rather, it is an expression of the power of elites who may have no legitimate authority, but who are intent on preserving the privileges of their race, class, or gender.

In the mid-1970s, James Boyd White began to articulate yet another interdisciplinary response to the traditional questions, and in so doing spawned what is now known as the Law and Literature movement. White has insisted that law, particularly as it is interpreted in judicial opinions, should be understood as an essentially literary activity. Judicial opinions should be read and evaluated not primarily as political acts or as attempts to maximize society's wealth through efficient rules, but rather as artistic performances. And like all such performances, White argues, each judicial opinion attempts in its own way to promote a particular political or ethical value.

In the recent *Justice as Translation*, White argues that opinion-writing should be regarded as an act of "translation," and judges as "translators." As such, judges find themselves mediating between the authoritative legal text and the pressing legal problem that demands resolution. A judge must essentially "re-constitute" that text by fashioning a new one, which is faithful to the old text but also responsive to and informed by the conditions, constraints, and aspirations of the world in which the new legal problem has arisen.

9. Which one of the following best states the main idea of the passage?
- (A) Within the last few decades, a number of novel approaches to jurisprudence have defined the nature of the law in diverse ways.
  - (B) Within the last few decades, changes in society and in the number and type of cases brought to court have necessitated new methods of interpreting the law.
  - (C) Of the many interdisciplinary approaches to jurisprudence that have surfaced in the last tow decades, the Law and Literature movement is the most intellectually coherent.
  - (D) The Law and Literature movement, first articulated by James Boyd White in the mid-1970s, represents a synthesis of the many theories of jurisprudence inspired by the social sciences.



- (E) Such traditional legal scholars as legal positivists and natural lawyers are increasingly on the defensive against attacks from younger, more progressive theorists.
10. According to the passage, judicial opinions have been described as each of the following EXCEPT:
- (A) political statements
  - (B) arcane statements
  - (C) economic statements
  - (D) artistic performances
  - (E) acts of translation
11. Which one of the following statements is most compatible with the principles of the Critical Legal Studies movement as that movement is described in the passage?
- (A) Laws governing the succession of power at the death of a head of state represent a synthesis of legal precedents, specific situations, and the values of lawmakers.
  - (B) Laws allowing income tax deductions for charitable contributions, though ostensibly passed by lawmakers, were devised by and are perpetuated by the rich.
  - (C) Laws governing the tariffs placed on imported goods must favor the continuation of mutually beneficial trade arrangements, even at the expense of long-standing legal precedent.
  - (D) Laws governing the treatment of the disadvantaged and powerless members of a given society are an accurate indication of that society's moral state.
  - (E) Laws controlling the electoral processes of a representative democracy have been devised by lawmakers to ensure the continuation of that governmental system.
12. Which one of the following does the passage mention as a similarity between the Critical Legal Studies movement and the Law and Literature movement?
- (A) Both offer explanations of how elites maintain their hold on power.
  - (B) Both are logical extensions of either natural law or legal positivism.
  - (C) Both see economic and political primacy as the basis of all legitimate power.
  - (D) Both rely on disciplines not traditionally connected with the study of law.
  - (E) Both see the practice of opinion-writing as a mediating activity.
13. Which one of the following can be inferred from the passage about the academic study of jurisprudence before the 1970s?
- (A) It was concerned primarily with codifying and maintaining the privileges of elites.
  - (B) It rejected theories that interpreted law as an expression of a group's power.

- (C) It seldom focused on how and by what authority judges arrived at opinions.
- (D) It was concerned primarily with the study of law as an economic and moral agent.
- (E) It was not concerned with such disciplines as anthropology and sociology.
14. Proponents of the Law and Literature movement would most likely agree with which one of the following statements concerning the relationship between the law and judges' written opinions?
- (A) The once-stable relationship between law and opinion-writing has been undermined by new and radical theoretical developments.
- (B) Only the most politically conservative of judges continue to base their opinions on natural law or on legal positivism.
- (C) The occurrence of different legal situations requires a judge to adopt diverse theoretical approaches to opinion-writing.
- (D) Different judges will not necessarily write the same sorts of opinions when confronted with the same legal situation.
- (E) Judges who subscribe to divergent theories of jurisprudence will necessarily render divergent opinions.
15. Which one of the following phrases best describes the meaning of "re-constitute" as that word is used in line 54 of the passage?
- (A) categorize and rephrase
- (B) investigate and summarize
- (C) interpret and refashion
- (D) paraphrase and announce
- (E) negotiate and synthesize
16. The primary purpose of the passage is to
- (A) identify differing approaches
- (B) discount a novel trend
- (C) advocate traditional methods
- (D) correct misinterpretations
- (E) reconcile seeming inconsistencies

Since the early 1920s, most petroleum geologists have favored a biogenic theory for the formation of oil. According to this theory, organic matter became buried in sediments, and subsequent conditions of temperature and pressure over time transformed it into oil.

Since 1979 an opposing abiogenic theory about the origin of oil has been **promulgated**. According to this theory, what is now oil began as hydrocarbon compounds within the earth's mantle (the region between the core and the crust) during the formation of the earth. Oil was created when gasses rich in methane, the lightest of the hydrocarbons, rose from the mantle through fractures and faults in the crust, carrying a significant amount of heavier hydrocarbons with them. As the gases encountered intermittent drops in pressure, the heavier hydrocarbons

condensed, forming oil, and were deposited in reservoirs throughout the crust. Rock regions deformed by motions of the crustal plates provided the conduits and fractures necessary for the gases to rise through the crust.

Opponents of the abiogenic theory charge that hydrocarbons could not exist in the mantle, because high temperatures would destroy or break them down. Advocates of the theory, however, point out that other types of carbon exist in the mantle: unoxidized carbon must exist there, because diamonds are formed within the mantle before being brought to the surface by eruptive processes. Proponents of the abiogenic theory also point to recent experimental work that suggests that the higher pressures within the mantle tend to offset the higher temperatures, allowing hydrocarbons, like unoxidized carbon, to continue to exist in the mantle.

If the abiogenic theory is correct, vast undiscovered reservoirs of oil and gas—undiscovered because the biogenic model precludes their existence—may in actuality exist. One company owned by the Swedish government has found the abiogenic theory so persuasive that it has started exploratory drilling for gas or oil in a granite formation called the Siljan Ring—not the best place to look for gas or oil if one believes they are derived from organic compounds, because granite forms from magma (molten rock) and contains no organic sediments. The ring was formed about 360 million years ago when a large meteorite hit the 600-million-year-old granite that forms the base of the continental crust. The impact fractured the granite, and the Swedes believe that if oil comes from the mantle, it could have risen with methane gas through this now permeable rock. Fueling their optimism further is the fact that prior to the start of drilling, methane gas had been detected rising through the granite.

17. Which one of the following statements best expresses the main idea of the passage?
- (A) Although the new abiogenic theory about the origin of oil is derived from the conventional biogenic theory, it suggests new types of locations for oil drilling.
  - (B) The small number of drilling companies that have responded to the new abiogenic theory about the origin of oil reflects the minimal level of acceptance the theory has met with in the scientific community.
  - (C) Although the new abiogenic theory about the origin of oil fails to explain several enigmas about oil reservoirs, it is superior to the conventional biogenic theory.
  - (D) Although it has yet to receive either support or refutation by data gathered from a drilling project, the new abiogenic theory about the origin of oil offers a plausible alternative to the conventional biogenic theory.
  - (E) Having answered objections about higher pressures in the earth's core, proponents of the new abiogenic theory have gained broad acceptance for their theory in the scientific community.
18. Which one of the following best describes the function of the third paragraph?
- (A) It presents a view opposed to a theory and points out an internal contradiction in that opposing view.

- (B) It describes a criticism of a theory and provides countervailing evidence to the criticism.
  - (C) It identifies a conflict between two views of a theory and revises both views.
  - (D) It explains an argument against a theory and shows it to be a valid criticism.
  - (E) It points out the correspondence between an argument against one theory and arguments against similar theories.
19. The passage suggests that the opponents of the abiogenic theory mentioned in the third paragraph would most probably agree with which one of the following statements?
- (A) The formation of oil does not involve the condensation of hydrocarbons released from the earth's mantle.
  - (B) Large oil reserves are often found in locations that contain small amounts of organic matter.
  - (C) The eruptive processes by which diamonds are brought to the earth's surface are similar to those that aid in the formation of oil.
  - (D) Motions of the crustal plates often create the pressure necessary to transform organic matter into oil.
  - (E) The largest known oil reserves may have resulted from organic matter combining with heavier hydrocarbons carried by methane gas.
20. Which one of the following is most analogous to the situation described in the final paragraph?
- (A) A new theory about the annual cycles of breeding and migration of the monarch butterfly has led scientists to look for similar patterns in other butterfly species.
  - (B) A new theory about the stage at which a star collapses into a black hole has led astronomers to search for evidence of black holes in parts of the universe where they had not previously searched.
  - (C) A new theory about how the emission of sulfur dioxide during coal-burning can be reduced has led several companies to develop desulfurization systems.
  - (D) A new theory about photosynthesis has convinced a research team to explore in new ways the various functions of the cell membrane in plant cells.
  - (E) A new theory about the distribution of metals in rock formations has convinced a silver-mining company to keep different types of records of its operations.
21. According to the passage all of the following are true of the Siljan Ring EXCEPT:
- (A) It was formed from magma.
  - (B) It does not contain organic sediments.
  - (C) Its ring shape existed 500 million years ago.

(D) Methane gas has been detected rising through it.

(E) It was shaped from the granite that makes up the base of the continental crust.

Most studies of recent Southeast Asian immigrants to the United States have focused on their adjustment to life in their adopted country and on the effects of leaving their homelands. James Tollefson's *Alien Winds* examines the resettlement process from a different perspective by investigating the educational programs offered in immigrant processing centers. Based on interviews, transcripts from classes, essays by immigrants, personal visits to a teacher-training unit, and official government documents, Tollefson relies on an impressive amount and variety of documentation in making his arguments about processing centers' educational programs.

Tollefson's main contention is that the emphasis placed on immediate employment and on teaching the values, attitudes, and behaviors that the training personnel think will help the immigrants adjust more easily to life in the United States is often counterproductive and demoralizing. Because of concerns that the immigrants be self-supporting as soon as possible, they are trained almost exclusively for low-level jobs that do not require English proficiency. In this respect, Tollefson claims, the processing centers suit the needs of employers more than they suit the long-term needs of the immigrant community. Tollefson also detects a fundamental flaw in the attempts by program educators to instill in the immigrants the traditionally Western principles of self-sufficiency and individual success. These efforts often have the effect of undermining the immigrants' sense of community and, in doing so, sometimes isolate them from the moral support and even from business opportunities afforded by the immigrant community. The programs also encourage the immigrants to shed their cultural traditions and ethnic identity and adopt the lifestyles, beliefs, and characteristics of their adopted country if they wish to enter fully into the national life.

Tollefson notes that the ideological nature of these educational programs has roots in the turn-of-the-century educational programs designed to assimilate European immigrants into United States society. Tollefson provides a concise history of the assimilationist movement in immigrant education, in which European immigrants were encouraged to leave behind the ways of the Old World and to adopt instead the principles and practices of the New World.

Tollefson ably shows that the issues demanding real attention in the educational programs for Southeast Asian immigrants are not merely employment rates and government funding, but also the assumptions underpinning the educational values in the programs. He recommends many improvements for the programs, including giving the immigrants a stronger voice in determining their needs and how to meet them, redesigning the curricula, and emphasizing long-term language education and job training over immediate employment and the avoiding of public assistance. Unfortunately, though, Tollefson does not offer enough concrete solutions as to how these reforms could be carried out, despite his own descriptions of the complicated bureaucratic nature of the programs.

22. Which one of the following statements best expresses the main idea of the passage?

(A) Tollefson's focus on the economic and cultural factors involved in adjusting to a new country offers a significant departure from most studies of Southeast Asian immigration.

- (B) In his analysis of educational programs for Southeast Asian immigrants, Tollefson fails to acknowledge many of the positive effects the programs have had on immigrants' lives.
  - (C) Tollefson convincingly blames the philosophy underlying immigrant educational programs for some of the adjustment problems afflicting Southeast Asian immigrants.
  - (D) Tollefson's most significant contribution is his analysis of how Southeast Asian immigrants overcome the obstacles they encounter in immigrant educational programs.
  - (E) Tollefson traces a gradual yet significant change in the attitudes held by processing center educators toward Southeast Asian immigrants.
23. With which one of the following statements concerning the educational programs of the immigration centers would Tollefson most probably agree?
- (A) Although the programs offer adequate job training, they offer inadequate English training.
  - (B) Some of the programs' attempts to improve the earning power of the immigrants cut them off from potential sources of income.
  - (C) Inclusion of the history of immigration in the United States in the programs' curricula facilitates adjustment for the immigrants.
  - (D) Immigrants would benefit if instructors in the programs were better prepared to teach the curricula developed in the teacher-training courses.
  - (E) The programs' curricula should be redesigned to include greater emphasis on the shared values, beliefs, and practices in the United States.
24. Which one of the following best describes the opinion of the author of the passage with respect to Tollefson's work?
- (A) thorough but misguided
  - (B) innovative but incomplete
  - (C) novel but contradictory
  - (D) illuminating but unappreciated
  - (E) well documented but unoriginal
25. The passage suggests that which one of the following is an assumption underlying the educational approach in immigrant processing centers?
- (A) There is a set of values and behaviors that if adopted by immigrants, facilitate adjustment to United States society.
  - (B) When recent immigrants are self-supporting rather than supported by public assistance, they tend to gain English proficiency more quickly.
  - (C) Immediate employment tends to undermine the immigrants sense of community with each other.
  - (D) Long-term success for immigrants is best achieved by encouraging the



- immigrants to maintain a strong sense of community.
- (E) The principles of self-sufficiency and individual success are central to Southeast Asian culture and ethnicity.
26. Which one of the following best describes the function of the first paragraph of the passage?
- (A) It provides the scholarly context for Tollefson's study and a description of his methodology.
- (B) It compares Tollefson's study to other works and presents the main argument of his study.
- (C) It compares the types of documents Tollefson uses to those used in other studies.
- (D) It presents the accepted theory on Tollefson's topic and the method by which Tollefson challenges it.
- (E) It argues for the analytical and technical superiority of Tollefson's study over other works on the topic.
27. The author of the passage refers to Tollefson's descriptions of the bureaucratic nature of the immigrant educational programs in the fourth paragraph most probably in order to
- (A) criticize Tollefson's decision to combine a description of the bureaucracies with suggestions for improvement
- (B) emphasize the author's disappointment in Tollefson's overly general recommendations for improvements to the programs
- (C) point out the irony of Tollefson concluding his study with suggestions for drastic changes in the programs
- (D) support a contention that Tollefson's recommendations for improvements do not focus on the real sources of the programs' problems
- (E) suggest a parallel between the complexity of the bureaucracies and the complexity of Tollefson's arguments

**LSAT 21 SECTION I****Time 35 minutes 26 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.

To many developers of technologies that affect public health or the environment, "risk communication" means persuading the public that the potential risks of such technologies are small and should be ignored. Those who communicate risks in this way seem to believe that lay people do not understand the actual nature of technological risk, and they can cite studies asserting that although people apparently ignore mundane hazards that pose significant danger,

they get upset about exotic hazards that pose little chance of death or injury. Because some risk communicators take this persuasive stance, many lay people see “risk communication” as a euphemism for **brainwashing** done by experts.

Since, however, the goal of risk communication should be to enable people to make informed decisions about technological risks, a clear understanding about how the public perceives risk is needed. Lay people’s definitions of “risk” are more likely to reflect subjective ethical concerns than are experts’ definitions. Lay people, for example, tend to perceive a small risk to children as more significant than a large risk to consenting adults who benefit from the risk-creating technology. However, if asked to rank hazards by the number of annual fatalities, **without reference to** ethical judgments, lay people provide quite reasonable estimates, demonstrating that they have substantial knowledge about many risks. Although some studies claim to demonstrate that lay people have inappropriate concerns about exotic hazards, these studies often use questionable methods, such as asking lay people to rank risks that are hard to compare. In contrast, a recent study showed that when lay people were given the necessary facts and time, they understood the specific risks of electromagnetic fields produced by high-voltage power transmission well enough to make informed decisions.

Risk communication should therefore be based on the principle that people process new information in the context of their existing beliefs. If people know nothing about a topic, they will find messages about that topic incomprehensible. If they have erroneous beliefs, they are likely to misconstrue the messages. Thus, communicators need to know the nature and extent of recipients’ knowledge and beliefs in order to design messages that will not be dismissed or misinterpreted. This need was demonstrated in a research project concerning the public’s level of knowledge about risks posed by the presence of radon in the home. Researchers used **open-ended** interviews and questionnaires to determine what information should be included in their brochure on radon. Subjects who read the researchers’ brochure performed significantly better in understanding radon risks than did a control group who read a brochure that was written using a different approach by a government agency. Thus, careful preparation can help risk communicators to produce balanced material that tells people what they need to know to make decisions about technological risks.

1. Which one of the following best expresses the main point of the passage?
  - (A) Risk communicators are effectively addressing the proliferation of complex technologies that have increasing impact on public health and safety.
  - (B) Risk communicators should assess lay people’s understanding of technologies in order to be able to give them the information they need to make reasonable decisions.
  - (C) Experts who want to communicate to the public about the possible risks of complex technologies must simplify their message to ensure that it is understandable.
  - (D) Risk communication can be perceived as the task of persuading lay people to accept the impact of a particular technology on their lives.
  - (E) Lay people can be unduly influenced by subjective concerns when making decisions about technological risks.

2. The authors of the passage would be most likely to agree that the primary purpose of risk communication should be to
- (A) explain rather than to persuade
  - (B) promote rather than to justify
  - (C) influence experts rather than to influence lay people
  - (D) allay people's fears about mundane hazards rather than about exotic hazards
  - (E) foster public acceptance of new technologies rather than to acknowledge people's ethical concerns
3. According to the passage, it is probable that which one of the following will occur when risk communicators attempt to communicate with lay people who have mistaken ideas about a particular technology?
- (A) The lay people perceiving that the risk communicators have provided more-reliable information, will discard their mistaken notion.
  - (B) The lay people will only partially revise their ideas on the basis of the new information.
  - (C) The lay people fitting the new information into their existing framework will interpret the communication differently than the risk communicators had intended.
  - (D) The lay people misunderstanding the new information will further distort the information when they communicate it to other lay people.
  - (E) The lay people will ignore any communication about a technology they consider potentially dangerous.
4. Which one of the following is most clearly an example of the kind of risk perception discussed in the "studies" mentioned in line 8?
- (A) A skydiver checks the lines on her parachute several times before a jump because tangled lines often keep the parachutes from opening properly
  - (B) A person decides to quit smoking in order to lessen the probability of lung damage to himself and his family
  - (C) A homeowner who decides to have her house tested for radon also decides not to allow anyone to smoke in her house
  - (D) A person who often weaves in and out of traffic while driving his car at excessive speeds worries about meteorites hitting his house
  - (E) A group of townspeople opposes the building of a nuclear waste dump outside their town and proposes that the dump be placed in another town
5. It can be inferred that the authors of the passage would be more likely than would the risk communicators discussed in the first paragraph to emphasize which one of the following?
- (A) lay people's tendency to become alarmed about technologies that they find new or strange

- (B) lay people's tendency to compare risks that experts would not consider comparable
  - (C) the need for lay people to adopt scientists' advice about technological risk
  - (D) the inability of lay people to rank hazards by the number of fatalities caused annually
  - (E) the impact of lay people's value systems on their perceptions of risk
6. According to the passage many lay people believe which one of the following about risk communication?
- (A) It focuses excessively on mundane hazards.
  - (B) It is a tool used to manipulate the public.
  - (C) It is a major cause of inaccuracies in public knowledge about science.
  - (D) It most often functions to help people make informed decisions.
  - (E) Its level of effectiveness depends on the level of knowledge its audience already has.

In April 1990 representatives of the Pico Korea Union of electronics workers in Buchon city, south Korea, traveled to the United States in order to demand just settlement of their claims from the parent company of their employers, who upon the formation of the union had shut down operations without paying the workers. From the beginning, the union cause was championed by an unprecedented coalition of Korean American groups and deeply affected the Korean American community on several levels.

First, it served as a rallying focus for a diverse community often divided by generation, class and political ideologies. Most notably, the Pico cause mobilized many young second-generation Korean Americans, many of whom had never been part of a political campaign before, let alone one involving Korean issues. Members of this generation, unlike first-generation Korean Americans, generally fall within the more privileged sectors of the Korean American community and often feel alienated from their Korean roots. In addition to raising the political consciousness of young Korean Americans, the Pico struggle sparked among them new interest in their cultural identity. The Pico workers also suggested new roles that can be played by recent immigrants, particularly working-class immigrants. These immigrants' knowledge of working conditions overseas can help to globalize the perspective of their communities and can help to establish international ties on a more personal level, as witnessed in the especially warm exchange between the Pico workers and recent working-class immigrants from China. In addition to broadening the political base within the Korean American community, the Pico struggle also led to new alliances between the Korean American community and progressive labor and social justice groups within the larger society—as evidenced in the support received from the Coalition of Labor Union Women and leading African American unionists.

The reasons for these effects lie in the nature of the cause. The issues raised by the Pico unionists had such a strong human component that differences within the community became secondary to larger concerns for social justice and workers' rights. The workers' demands for compensation and respect were unencumbered with strong ideological trappings. The economic exploitation faced by the Pico workers underscored the common interests of Korean

workers, Korean Americans, the working class more inclusively, and a broad spectrum of community leaders.

The Pico workers' campaign thus offers an important lesson. It demonstrates that ethnic communities need more than just a knowledge of history and culture as artifacts of the past in order to strengthen their ethnic identity. It shows that perhaps the most effective means of empowerment for many ethnic communities of immigrant derivation may be an identification with and participation in current struggles for economic and social justice in their countries of origin.

7. Which one of the following best describes the main topic of the passage?
- (A) the contribution of the Korean American community to improving the working conditions of Koreans employed by United States companies
  - (B) the change brought about in the Korean American community by contacts with Koreans visiting the United States
  - (C) the contribution of recent immigrants from Korea to strengthening ethnic identity in the Korean American community
  - (D) the effects on the Korean American community of a dispute between Korean union workers and a United States company
  - (E) the effect of the politicization of second-generation Korean Americans on the Korean American community as a whole
8. The passage suggests that which one of the following was a significant factor in the decision to shut down the Pico plant in Buchon City?
- (A) the decreasing profitability of maintaining operations in Korea
  - (B) the failure to resolve long-standing disputes between the Pico workers and management
  - (C) the creation of a union by the Pico workers
  - (D) the withholding of workers' wages by the parent company
  - (E) the finding of an alternate site for operations
9. Which one of the following is NOT mentioned in the passage as a recent development in the Korean American community?
- (A) Young second-generation Korean Americans have begun to take an interest in their Korean heritage.
  - (B) Recent Korean American immigrants of working-class backgrounds have begun to enter the more privileged sectors of the Korean American community.
  - (C) Korean Americans have developed closer ties with activist groups from other sectors of the population.
  - (D) Previously nonpolitical members of the Korean American community have become more politically active.
  - (E) The Korean American community has been able to set aside political and generational disparities in order to support a common cause.

10. It can be inferred that the author of the passage would most likely agree with which one of the following statements about ethnic communities of immigrant derivation?
- (A) Such communities can derive important benefits from maintaining ties with their countries of origin.
  - (B) Such communities should focus primarily on promoting study of the history and culture of their people in order to strengthen their ethnic identity.
  - (C) Such communities can most successfully mobilize and politicize their young people by addressing the problems of young people of all backgrounds.
  - (D) The more privileged sectors of such communities are most likely to maintain a sense of closeness to their cultural roots.
  - (E) The politicization of such a community is unlikely to affect relations with other groups within the larger society.
11. In the second paragraph, the author refers to immigrants from China most probably in order to do which one of the following?
- (A) highlight the contrast between working conditions in the United States and in Korea
  - (B) demonstrate the uniqueness of the problem faced by the Pico workers
  - (C) offer an example of the type of role that can be played by recent working-class immigrants
  - (D) provide an analogy for the type of activism displayed by the Korean American community
  - (E) compare the disparate responses of two immigrant communities to similar problems
12. The primary purpose of the passage is to
- (A) describe recent developments in the Korean American community that have strongly affected other ethnic communities of immigrant derivation
  - (B) describe a situation in the Korean American community that presents a model for the empowerment of ethnic communities of immigrant derivation
  - (C) detail the problems faced by the Korean American community in order to illustrate the need for the empowerment of ethnic communities of immigrant derivation
  - (D) argue against economic and social injustice in the countries of origin of ethnic communities of immigrant derivation
  - (E) assess the impact of the unionization movement on ethnic communities of immigrant derivation
13. Which one of the following most accurately states the function of the third paragraph?
- (A) It explains why the Pico workers brought their cause to the United States.



- (B) It explains how the Pico cause differed from other causes that had previously mobilized the Korean American community.
- (C) It explains why the Pico workers were accorded such broad support.
- (D) It explains how other ethnic groups of immigrant derivation in the United States have profited from the example of the Pico workers.
- (E) It explains why different generations of Korean Americans reacted in different ways to the Pico cause.

In recent years, scholars have begun to use social science tools to analyze court opinions. These scholars have justifiably criticized traditional legal research for its focus on a few cases that may not be representative and its fascination with arcane matters that do not affect real people with real legal problems. Zirkel and Schoenfeld, for example, have championed the application of social science tools to the analysis of case law surrounding discrimination against women in higher education employment. Their studies have demonstrated how these social science tools may be used to serve the interests of scholars, lawyers and prospective plaintiffs as well. However, their enthusiasm for the “outcomes analysis” technique seems misguided.

Of fundamental concern is the outcomes analysts’ assumption that simply counting the number of successful and unsuccessful plaintiffs will be useful to prospective plaintiffs. Although the odds are clearly against the plaintiff in sex discrimination cases, plaintiffs who believe that their cause is just and that they will prevail are not swayed by such evidence. In addition, because lawsuits are so different in the details of the case, in the quality of the evidence the plaintiff presents, and in the attitude of the judge toward academic plaintiffs, giving prospective plaintiffs statistics about overall outcomes without analyzing the reason for these outcomes is of marginal assistance. Outcomes analysis, for example, ignores the fact that in certain academic sex discrimination cases—those involving serious procedural violations or incriminating evidence in the form of written admissions of discriminatory practices—plaintiffs are much more likely to prevail.

Two different approaches offer more useful applications of social science tools in analyzing sex discrimination cases. One is a process called “policy capturing,” in which the researcher reads each opinion, identifies variables discussed in the opinion, such as the regularity of employer evaluations of the plaintiff performance, training of evaluators, and the kind of evaluation instrument used, and then uses multivariate analysis to determine whether these variables predict the outcome of the lawsuit. The advantage of policy capturing research is that it attempts to explain the reason for the outcome, rather than simply reporting the outcome, and identifies factors that contribute to a plaintiff’s success or failure. Taking a slightly different approach, other scholars have adopted a technique that requires reading complete transcripts of all sex discrimination cases litigated during a certain time period to identify variables such as the nature of the allegedly illegal conduct, the consequences for employers, and the nature of the remedy, as well as the factors that contributed to the verdict and the kind of evidence necessary for the plaintiff to prevail. While the findings of these studies are limited to the period covered, they assist potential plaintiffs and defendants in assessing their cases.

14. Which one of the following best expresses the main idea of the passage?

- (A) The analysis of a limited number of atypical discrimination suits is of little

- value to potential plaintiffs.
- (B) When the number of factors analyzed in a sex discrimination suit is increased, the validity of the conclusions drawn becomes suspect.
- (C) Scholars who are critical of traditional legal research frequently offer alternative approaches that are also seriously flawed.
- (D) Outcomes analysis has less predictive value in sex discrimination cases than do certain other social science techniques.
- (E) Given adequate information, it is possible to predict with considerable certainty whether a plaintiff will be successful in a discrimination suit.
15. It can be inferred from the author's discussion of traditional legal research that the author is
- (A) frustrated because traditional legal research has not achieved its full potential
- (B) critical because traditional legal research has little relevance to those actually involved in cases
- (C) appreciative of the role traditional legal research played in developing later more efficient approaches
- (D) derisive because traditional legal research has outlasted its previously significant role
- (E) grateful for the ability of traditional legal research to develop unique types of evidence
16. Which one of the following statements about Zirkel and Schoenfeld can be inferred from the passage?
- (A) They were the first scholars to use social science tools in analyzing legal cases.
- (B) They confined their studies to the outcomes analysis technique.
- (C) They saw no value in the analysis provided by traditional legal research.
- (D) They rejected policy capturing as being too limited in scope.
- (E) They believed that the information generated by outcomes analysis would be relevant for plaintiffs.
17. The author's characterization of traditional legal research in the first paragraph is intended to
- (A) provide background information for the subsequent discussion
- (B) summarize an opponent's position
- (C) argue against the use of social science tools in the analysis of sex discrimination cases
- (D) emphasize the fact that legal researchers act to the detriment of potential plaintiffs
- (E) reconcile traditional legal researchers to the use of social science tools
18. The information in the passage suggests that plaintiffs who pursue sex

discrimination cases despite the statistics provided by outcomes analysis can best be **likened** to

- (A) athletes who continue to employ training techniques despite their knowledge of statistical evidence indicating that these techniques are unlikely to be effective
  - (B) lawyers who handle lawsuits for a large number of clients in the hope that some percentage will be successful
  - (C) candidates for public office who are more interested in making a political statement than in winning an election
  - (D) supporters of a cause who recruit individuals sympathetic to it in the belief that large numbers of supporters will lend the cause legitimacy
  - (E) purchasers of a charity's raffle tickets who consider the purchase a contribution because the likelihood of winning is remote
19. The policy-capturing approach differs from the approach described in lines 48-59 in that the latter approach
- (A) makes use of detailed information on a greater number of cases
  - (B) focuses more directly on issues of concern to litigants
  - (C) analyzes information that is more recent and therefore reflects current trends
  - (D) allows assessment of aspects of a case that are not specifically mentioned in a judge's opinion
  - (E) eliminates any distortion due to personal bias on the part of the researcher
20. Which one of the following best describes the organization of the passage?
- (A) A technique is introduced, its shortcomings are summarized, and alternatives are described.
  - (B) A debate is introduced, evidence is presented, and a compromise is reached.
  - (C) A theory is presented, clarification is provided, and a plan of further evaluation is suggested.
  - (D) Standards are established, hypothetical examples are analyzed, and the criteria are amended.
  - (E) A position is challenged, its shortcomings are categorized, and the challenge is revised.

A fake can be defined as an artwork intended to deceive. The motives of its creator are decisive, and the merit of the object itself is a separate issue. The question mark in the title of Mark Jones's *Fake? The Act of Deception* reveals the study's broader concerns. Indeed, it might equally be entitled *Original?*, and the text begins by noting a variety of possibilities somewhere between the two extremes. These include works by an artist's followers in the style of the master, deliberate archaism, copying for pedagogical purposes, and the production of commercial **facsimiles**.

The greater part of *Fake?* is devoted to a Chronological survey suggesting that faking **feeds on** the many different motives people have for collecting art, and that, on the whole, the faking

of art flourishes whenever art collecting flourishes. In imperial Rome there was a widespread interest in collecting earlier Greek art, and therefore in faking it. No doubt many of the sculptures now exhibited as "Roman copies" were originally **passed off** as Greek. In medieval Europe, because art was celebrated more for its devotional uses than for its provenance or the ingenuity of its creators, the faking of art was virtually nonexistent. The modern age of faking began in the Italian Renaissance, with two linked developments: a passionate identification with the world of antiquity and a growing sense of individual artistic identity. A patron of the young Michelangelo **prevailed upon** the artist to make his Sculpture *Sleeping Cupid* look as though it had been buried in the earth so that "it will be taken for antique, and you will sell it much better." Within a few years, however, beginning with his first masterpiece, the *Bacchus*, Michelangelo had shown his contemporaries that great art can assimilate and transcend what came before, resulting in a wholly original work. Soon his genius made him the **object** of imitators.

*Fake?* also reminds us that in certain cultures authenticity is a foreign concept. This is true of much African art, when the authenticity of an object is considered by collectors to depend on its function. As an illustration, the study compares two versions of a *chi wara* mask made by the **Bambara** people of Mali. One has pegs allowing it to be attached to a cap for its intended ceremonial purpose. The second, otherwise identical, lacks the pegs and is a replica made for sale. African carving is notoriously difficult to **date**, but even if the ritual mask is recent, made perhaps to replace a damaged predecessor, and the replica much older, only the ritual mask should be seen as authentic, for it is tied to the form's original function. That, at least, is the consensus of the so-called experts. One wonders whether the Bambaran artists would agree.

21. The passage can best be described as doing which one of the following?
- (A) reconciling varied points of view
  - (B) chronicling the evolution of a phenomenon
  - (C) exploring a complex question
  - (D) advocating a new approach
  - (E) rejecting an inadequate explanation
22. Which one of the following best expresses the author's main point? (the text begins by noting a variety of possibilities somewhere between the two extremes. These include works by an artist's followers in the style of the master, deliberate archaism, copying for pedagogical purposes, and the production of commercial facsimiles)
- (A) The faking of art has occurred throughout history and in virtually every culture.
  - (B) Whether a work of art is fake or not is less important than whether it has artistic merit.
  - (C) It is possible to show that a work of art is fake, but the authenticity of a work cannot be proved conclusively.
  - (D) A variety of circumstances make it difficult to determine whether a work of art can appropriately be called a fake.

- (E) Without an international market to support it, the faking of art would cease.
23. According to the passage an artwork can be definitively classified as a fake if the person who created it
- (A) consciously adopted the artistic style of an influential mentor
  - (B) deliberately imitated a famous work of art as a learning exercise
  - (C) wanted other people to be fooled by its appearance
  - (D) made multiple, identical copies of the work available for sale
  - (E) made the work resemble the art of an earlier era
24. The author provides at least one example of each of the following EXCEPT:
- (A) categories of art that are neither wholly fake nor wholly original
  - (B) cultures in which the faking of art flourished
  - (C) qualities that art collectors have prized in their acquisitions
  - (D) cultures in which the categories “fake” and “original” do not apply
  - (E) contemporary artists whose works have inspired fakes
25. The author implies which one of the following about the artistic merits of fakes?
- (A) Because of the circumstances of its production, a fake cannot be said to have true artistic merit.
  - (B) A fake can be said to have artistic merit only if the attempted deception is successful.
  - (C) A fake may or may not have artistic merit in its own right, regardless of the circumstances of its production.
  - (D) Whether a fake has artistic merit depends on whether its creator is accomplished as an artist.
  - (E) The artistic merit of a fake depends on the merit of the original work that inspired the fake.
26. By the standard described in the last paragraph of the passage, which one of the following would be considered authentic?
- (A) an ancient Roman copy of an ancient Greek sculpture
  - (B) a painting begun by Renaissance master and finished by his assistants after his death
  - (C) a print of a painting signed by the artist who painted the original
  - (D) a faithful replica of a ceremonial crown that preserves all the details of and is indistinguishable from the original
  - (E) a modern reconstruction of a medieval altarpiece designed to serve its traditional role in a service of worship
27. Which one of the following best describes how the last paragraph functions in the context of the passage?
- (A) It offers a tentative answer to a question posed by the author in the opening

paragraph.

- (B) It summarizes an account provided in detail in the preceding paragraph.
- (C) It provides additional support for an argument advanced by the author in the preceding paragraph.
- (D) It examines another facet of a distinction developed in the preceding paragraphs.
- (E) It affirms the general principle enunciated at the beginning of the passage.

### **LSAT 22 SECTION IV**

**Time 35 minutes 26 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.*

Many literary scholars believe that Zora Neale Hurston's *Their Eyes Were Watching God* (1937) has been the primary influence on some of the most accomplished Black women writing in the United States today. Indeed, Alice Walker, the author of the prize-winning novel *The Color Purple*, has said of *Their Eyes*, "There is no book more important to me than this one." Thus, it seems necessary to ask why *Their Eyes*, a work now viewed by a multitude of readers as remarkably successful in its complex depiction of a Black woman's search for self and community, was ever relegated to the margins of the literary canon.

The details of the novel's initial reception help answer this question. Unlike the recently rediscovered and reexamined work of Harriet Wilson, *Their Eyes* was not totally ignored by book reviewers upon its publication. In fact, it received a mixture of positive and negative reviews both from White book reviewers working for prominent periodicals and from important figures within Black literary circles. In the *Saturday Review of Literature*, George Stevens wrote that "the narration is exactly right, because most of it is dialogue and the dialogue gives us a constant sense of character in action." The negative criticism was partially a result of Hurston's ideological differences with other members of the Black Americans in literature. Black writers of the 1940s believed that the Black artist's primary responsibility was to create protest fiction that explored the negative effects of racism in the United States. For example, Richard Wright, the author of the much acclaimed *Native Son* (1940), wrote that *Their Eyes* had "no theme" and "no message". Most critics' and readers' expectations of Black literature rendered them unable to appreciate Hurston's subtle delineation of the life of an ordinary Black woman in a Black community and the novel went quietly out of print.

Recent acclaim for *Their Eyes* results from the emergence of feminist literary criticism and the development of standards of evaluation specific to the work of Black writers; these kinds of criticism changed readers' expectations of art and enabled them to appreciate Hurston's novel. The emergence of feminist criticism was crucial because such criticism brought new attention to neglected works such as Hurston's and alerted readers to Hurston's exploration of women's issues in her fiction. The Afrocentric standards of evaluation were equally important to the rediscovery of *Their Eyes*, for such standards provided readers with the tools to recognize and



appreciate the Black folklore and oral storytelling traditions Hurston incorporated within her work. In one of the most illuminating discussions of the novel to date, Henry Louis Gates Jr., states that "Hurston's strategy seems to concern itself with the possibilities of representation of the speaking Black voice in writing."

1. The passage suggests which one of the following about Harriet Wilson's novel?
  - (A) It was written at the same time as *Their Eyes Were Watching God*, but it did not receive as much critical attention.
  - (B) It greatly influenced Black women writing after the 1940s.
  - (C) It was widely read when it was published but it has not received attention from literary critics until recently.
  - (D) It was not formally published, and the manuscript has only recently been discovered by literary critics.
  - (E) It did not receive critical attention when it was published, but it has recently become the subject of critical study.
2. The passage offers support for which one of the following statements about literary reviewers and *Their Eyes Were Watching God*?
  - (A) *Their Eyes* was widely acclaimed by reviewers upon its publication, even though it eventually went out of print.
  - (B) The eventual obscurity of *Their Eyes* was not the result of complete neglect by reviewers.
  - (C) Some early reviewers of *Their Eyes* interpreted the novel from a point of view that later became known as Afrocentric.
  - (D) *Their Eyes* was more typical of the protest fiction of the 1940s than reviewers realized.
  - (E) Most early reviewers of *Their Eyes* did not respond positively to the book.
3. Which one of the following best states the main idea of the passage?
  - (A) Hurston's *Their Eyes Were Watching God* had little in common with novels written by Black authors during the 1940s.
  - (B) Feminist critics and authors such as Alice Walker were instrumental in establishing Hurston's *Their Eyes Were Watching God* as an important part of the American literary canon.
  - (C) Critics and readers were unable to appreciate fully Hurston's *Their Eyes Were Watching God* until critics applied new standards of evaluation to the novel.
  - (D) Hurston's *Their Eyes Were Watching God* was an important influence on the protest fiction written by Black writers in the mid-twentieth century.
  - (E) Afrocentric strategies of analysis have brought attention to the use of oral storytelling traditions in novels written by Black Americans such as Hurston's *Their Eyes Were Watching God*.
4. According to the passage which one of the following is true of Black folklore

- traditions as used in literature written in the United States?
- (A) They are an aspect of Black American literature first recognized and written about by Henry Louis Gates, Jr.
  - (B) They were not widely incorporated into novels written by Black Americans until after the 1940s.
  - (C) They were first used by a novelist in Zora Neale Hurston's *Their Eyes Were Watching God*.
  - (D) They were not incorporated into novels published by Black Americans in the 1940s.
  - (E) They are an aspect of Black literature that some readers did not fully appreciate until relatively recently.
5. The passage suggests that *Native Son* differs from *Their Eyes Were Watching God* in which one of the following ways?
- (A) It received fewer positive reviews at the time of its publication than did *Their Eyes*.
  - (B) It is less typical of literature written by Black Americans during the 1940s than is *Their Eyes*.
  - (C) It is less focused on an ordinary individual's search for self within a Black community than is *Their Eyes*.
  - (D) It denies more aspects of Black American folklore than does *Their Eyes*.
  - (E) It has received more attention from feminist and Afrocentric literary critics than *Their Eyes*.
6. Which one of the following provides the clearest example of the kind of fiction that many Black writers of the 1940s, as their views are described in the passage, believed should be written?
- (A) a novel that focuses on the interrelationships among four generations of Black women
  - (B) a historical novel that re-creates actual events that occurred as Black people suffered from oppression and racial injustice in a small town
  - (C) a novel, based on biographical stories orally relayed to the author as a child, that describes the development of traditions in a Black family
  - (D) a novel that explores the psychological aspects of a relationship between a White man and a Black man as they work together to organize protests against unjust working conditions
  - (E) a novel that examines the different ways in which three Black children experience their first day of school in a rural community
7. The author would be most likely to agree with which one of the following statements about the relationship between art and literary criticism?
- (A) The long-term reputation of a work of art is less dependent on the response of literary critics than on the response of readers and authors.

- (B) Experimental works of fiction are usually poorly received and misunderstood by literary critics when they are first published.
  - (C) The response of literary critics to a work of art can be determined by certain ideological perspectives and assumptions about the purpose of art.
  - (D) Literary critics do not significantly affect the way most people interpret and appreciate literature.
  - (E) The ideological bases of a work of art are the first consideration of most literary critics.
8. The primary purpose of the passage is to
- (A) correct a misconception
  - (B) explain a reassessment
  - (C) reconcile two points of view
  - (D) criticize a conventional approach
  - (E) announce a new discovery

Legal cases can be termed “hard” cases if they raise issues that are highly controversial, issues about which people with legal training disagree. The ongoing debate over the completeness of the law usually concerns the extent to which such hard cases are legally determinate, or decidable according to existing law.

H. L. A. Hart’s *The Concept of Law* is still the clearest and most persuasive statement of both the standard theory of hard cases and the standard theory of law on which it rests. For Hart the law consists of legal rules formulated in general terms; these terms he calls “open textured” which means that they contain a “core” of settled meaning and a “penumbra” or “periphery” where their meaning is not determinate. For example, suppose an ordinance prohibits the use of vehicles in a park. “Vehicle” has a core of meaning which includes cars and motorcycles. But, Hart claims, other vehicles, such as bicycles, fall within the peripheral meaning of “vehicle,” so that the law does not establish whether they are prohibited. There will always be cases not covered by the core meaning of legal terms within existing laws. Hart considers these cases to be legally indeterminate. Since courts cannot decide such cases on legal grounds, they must consider nonlegal (for example, moral and political) grounds, and thereby exercise judicial discretion to make, rather than apply law.

In Ronald Dworkin’s view the law is richer than Hart would grant: he denies that the law consists solely of explicit rules. The law also includes principles that do not depend for their legal status on any prior official recognition or enactment. Dworkin claims that many cases illustrate the existence of legal principles that are different from legal rules and that Hart’s model of rules cannot accommodate. For Dworkin, legal rules apply in an all-or-nothing fashion, whereas legal principles do not; they provide the rationale for applying legal rules. Thus, because Dworkin thinks there is law in addition to legal rules, he thinks that legal indeterminacy and the need for judicial discretion do not follow from the existence of open texture in legal rules.

It would be a mistake, though, to dispute Hart’s theory of hard cases on this basis alone. If Hart’s claim about the “open texture” of general terms is true, then we should expect to find

legal indeterminacies even if the law consists of principles in addition to rules. Legal principles as well as legal rules contain general terms that have open texture. And it would be absurd to suppose that wherever the meaning of a legal rule is unclear, there is a legal principle with a clear meaning. Most interesting and controversial cases will occur in the penumbra of both rules and principles.

9. Which one of the following best expresses the main idea of the passage?
- (A) The law will never be complete because new situations will always arise which will require new laws to resolve them.
  - (B) The most difficult legal cases are those concerning controversial issues about which trained legal minds have differing opinions.
  - (C) The concept of legal principles does not diminish the usefulness of the concept of the open texture of general terms in deciding whether hard cases are legally determinate.
  - (D) The concept of legal principles is a deleterious addition to the theory of law since any flaws exhibited by legal rules could also be shared by legal principles.
  - (E) The inherent inconsistency of terms used in laws provides a continuing opportunity for judges to exercise their discretion to correct defect and gaps in the law.
10. According to the passage the term “legal principles” as used by Dworkin refers to
- (A) a comprehensive code of ethics that governs the behavior of professionals in the legal system
  - (B) explicit analyses of the terms used in legal rules indicating what meanings the terms do and do not cover
  - (C) legal doctrines that underlie and guide the use of accepted legal rules
  - (D) legal rules that have not yet passed through the entire legislative procedure necessary for them to become law
  - (E) the body of legal decisions regarding cases that required judicial discretion for their resolution
11. Which one of the following expresses a view that the author of the passage would most probably hold concerning legal principles and legal rules?
- (A) Legal rules are applied more often than legal principles when a case involves issues about which legal professionals disagree.
  - (B) Both legal rules and legal principles are officially recognized as valid parts of the law.
  - (C) Hart’s “model of rules” has been superseded by a “model of principles” that sheds light on legal determinacy.
  - (D) Legal principles are just as likely as legal rules to have terms that have both core and peripheral meanings.
  - (E) Legal principles eliminate the need for judicial discretion in resolving the

problems generated by the open texture of legal rules.

12. In the passage, the author uses the example of the word “vehicle” to
  - (A) illustrate a legal rule that necessarily has exceptions
  - (B) show how legal principles are applied in the construction of legal rules
  - (C) represent the core of settled meaning of a legal term
  - (D) serve as an example of a legal term with both a core and a periphery of meaning
  - (E) provide a counterexample to Hart’s concept of the open texture of legal terms
13. It can be inferred that the author of the passage regards Hart’s theory of hard cases and the theory of standard law as
  - (A) exhaustive
  - (B) worthy of respect
  - (C) interesting but impractical
  - (D) plausible but unwieldy
  - (E) hopelessly outmoded
14. Which one of the following is true of the term “legally determinate” (line 6) as it is used in the passage?
  - (A) It represents the idea that every crime should have a fixed penalty rather than a range of penalties within which a judge can make an arbitrary choice.
  - (B) It refers to a legal case that can be definitively resolved in favor of one side or the other according to the law in effect at the time.
  - (C) It describes a legal rule that requires judges to limit their actions to applying written law when deciding cases over which people with legal training disagree.
  - (D) It refers to any legal case that involves terms with imprecise meanings and thus relies for its resolution only on the determination of judges.
  - (E) It refers to procedures for determining the legal outcome of complex issues in difficult cases.
15. In the passage, the author is primarily concerned with
  - (A) outlining the problems that might be faced by a legislature attempting to create a complete body of law that would prevent judges from making rather than applying the law
  - (B) justifying the idea that “hard” cases will always exist in the practice of law, no matter what laws are written or how they are applied
  - (C) presenting evidence to support Dworkin’s idea that legal rules apply in an all-or-nothing fashion whereas legal principles apply in more sophisticated ways
  - (D) critiquing the concept of the open texture of legal terms as a conceptual flaw in Hart’s otherwise well-regarded book

- (E) demonstrating that Dworkin's concept of legal principles does not form the basis for a successful attack on Hart's theory of legally indeterminate cases

One way governments can decrease air pollution is to impose a tax on industrial carbon dioxide emissions. But why should governments consider a carbon tax when they could control emissions by establishing energy efficiency and conservation standards, by legislating against coal use, or by increasing investment in nuclear? The great virtue of such a tax is that it would provide incentives for industry to achieve emission reductions. Because oil emits more carbon dioxide per unit of energy generated than does natural gas, and coal more than oil, a carbon tax would vary with the type of fuel. Such a tax would induce industry to substitute less-polluting fuels for those carrying a higher tax and also to reduce the total use of energy

However, it is not clear how high such a tax should be or what its economic and environmental implications would be. At first glance, it is not difficult to estimate roughly the size of the tax needed to effect a given level of emission reduction. One writer estimates, for example, that a tax of 41 percent on the price of coal, 33 percent on oil, and 25 percent on gas would reduce the United Kingdom's emissions by 20 percent (using 1988 as the base year) by the year 2005, the target recommended by the 1988 Toronto Conference. It should be noted, however, that these numbers ignore the effect of the tax on economic growth, and hence on emissions, and assume that past responses to a price rise will be replicated in the future. These numbers are also based on the assumption that all countries will behave cooperatively in imposing a carbon tax.

There are very strong reasons to believe that cooperation would be difficult to win. If most countries cooperated, then any country that chose not to cooperate would be advantaged: it would have no abatement costs, and the effect on the environment of its defection would be relatively small. Because of this "free rider" effect, cooperation on a scale needed to reduce carbon dioxide emissions might prove elusive.

Should countries act unilaterally to curb emissions? If a country were to act unilaterally, the benefits would be spread across the globe, whereas the costs would fall solely on the country taking the action. The action would reduce emissions globally, and the effect of this would be to reduce the benefit other countries would receive if they reduced emissions. As a consequence, other countries would have less incentive to reduce emissions and would probably emit more carbon dioxide than they would have if the unilateral action had not been taken. The entire effect of the emission reduction may not be lost, but it would surely be diminished by this free-riding behavior.

16. According to the passage, the size of the carbon tax levied on a given fuel would vary with the
- (A) amount of that fuel used by a particular industry
  - (B) amount of pollution caused by the fuel being taxed
  - (C) size of the industries using the fuel being taxed
  - (D) effect that the tax would have on a country's economy
  - (E) number of users of a particular fuel at a particular time
17. The author mentions the estimates of "One writer" (line 22) primarily in order to



- (A) indicate in a general way the size that a carbon tax must be for it to be effective
  - (B) provide the most accurate information available about the most practical size for a carbon tax
  - (C) suggest that the target recommended by the 1988 Toronto Conference is an unrealistic one
  - (D) undermine the argument that a carbon tax would provide incentives for user's to achieve emissions reductions
  - (E) show how the size of an effective carbon tax can be calculated
18. Which one of the following circumstances would most seriously undermine the conclusion "Such a tax would induce industry to substitute less-polluting fuels for those carrying a higher tax" (lines 13-15)
- (A) The fuel taxed at the highest rate costs considerably less to buy than fuels taxed at lower rates.
  - (B) The goal set by the Toronto Conference cannot be reached unless each fuel is taxed at a much higher rate.
  - (C) The tax on coal represents a much greater cost increase than does the tax on oil or gas.
  - (D) It is discovered that gas produces even less carbon dioxide per unit of energy generated than was previously thought.
  - (E) It is discovered that coal produces even more carbon dioxide per unit of energy generated than are previously thought.
19. The passage is primarily intended to answer which one of the following questions?
- (A) How high a tax should a country's government impose on carbon dioxide emissions?
  - (B) What issues should a country's government consider before deciding whether to impose a tax on carbon dioxide emissions?
  - (C) What assumptions underlie a country's decision to impose a tax on carbon dioxide emissions?
  - (D) How can the effects of industrial pollution on the Earth's atmosphere be decreased?
  - (E) What can be done to increase the effectiveness of any tax that a country imposes on carbon dioxide emissions?
20. In response to the question. "Should countries act unilaterally to curb emissions?" (lines 44-45) the author would be most likely to contend that a country should
- (A) not act unilaterally because, although that country would receive some benefits from such action, other countries would most likely be harmed by it
  - (B) not act unilaterally because unilateral action would have no benefits for other countries

- (C) not act unilaterally because the cost to that country would not be justified by the limited effect that such action would have on industrial pollution worldwide
  - (D) act unilaterally because that country's economy would benefit from the resulting reduction in industrial emissions worldwide
  - (E) act unilaterally because other countries might well be inspired to follow that country's example
21. Which one of the following is most parallel to the "free rider" effect mentioned in line 41?
- (A) An industry agrees to base itself in a city where there has been little industrial development only if the city will rezone the specific property the industry desires.
  - (B) Because fares for public transportation are rising, a commuter decides to bicycle to work rather than to use public transportation in a city where auto emissions are a problem.
  - (C) An apartment dweller begins to recycle newspapers even though no one else in the building does so and recycling is not required by law.
  - (D) In an area where groundwater has become polluted, a homeowner continues to buy bottled water rather than contribute to a neighborhood fund to combat pollution.
  - (E) In an area where overgrazing is a severe problem, a shepherd allows his sheep to continue grazing common field even though his neighbors have agreed to buy feed for their animals until regrowth occurs.

Some meteorologists have insisted that the severity of the drought in sub-Saharan West Africa and its long duration (nearly 40 years to date) must be a sign of a long term alteration in climate. Among the theories proposed to explain this change, one hypothesis that has gained widespread attention attributes the drought to a cooling of the Northern Hemisphere. This hypothesis is based on the fact that between 1945 and the early 1970s, the average annual air temperatures over the landmasses of the Northern Hemisphere decreased by about half a degree Fahrenheit (approximately one quarter of a degree Celsius—a small but significant amount). Several meteorologists have suggested that this cooling was caused by an increase in atmospheric dust emanating from volcanic eruptions and from urban and industrial pollution: the dust reflected incoming sunlight, causing the ground to receive less solar radiation and to transfer less heat to the atmosphere. The cooling seemed to be more pronounced in the middle and high latitudes than in the tropics, an observation that is consistent with the fact that the Sun's rays enter the atmosphere at a greater angle farther north and so have to pass through more dust-laden atmosphere **on the way** to the Earth.

Since winds are set **in motion** by differences in **air pressure** caused by unequal heating of the atmosphere, supporters of the cooling hypothesis have argued that a growing temperature differential between the unusually cool middle and high latitudes and the warm tropical latitudes is causing a southward expansion of the circumpolar vortex—the high-altitude westerly winds that circle the Northern Hemisphere at middle latitudes. According to this

hypothesis, as the circumpolar vortex expands, it forces south other components of large-scale atmospheric circulation and in effect displaces the northward-moving monsoon that ordinarily brings sub-Saharan rain. Proponents have further argued that this change in atmospheric circulation might be long-term since cooling in the Northern Hemisphere could be perpetuated by increases in ice and snow coverage there, which would lead to reflection of more sunlight away from the Earth, to further cooling, and, indirectly, to further drought in sub-Saharan West Africa.

Despite these are predictions and even though the current African drought has lasted longer than any other in this century, the notion that the drought is caused by cooling of the Northern Hemisphere is, in fact, not well supported. Contrary to the predictions of the cooling hypothesis, during one period of rapid Northern Hemisphere cooling in the early 1950s, the sub-Sahara was unusually rainy. Moreover, in the early 1980s, when the drought was particularly severe, Northern Hemisphere lands actually warmed slightly. And further doubt has been cast on the hypothesis by recent analyses suggesting that, when surface temperatures of water as well as land are taken into account, the Northern Hemisphere may not have cooled at all.

22. Which one of the following best expresses the main idea of the passage?
- (A) There is strong evidence to support the theory that an increase in atmospheric dust has contributed to the severity of the drought in sub-Saharan West Africa.
  - (B) The suggestion that Northern Hemisphere cooling is contributing to a decline of rainfall in sub-Saharan West Africa is open to question.
  - (C) The expansion of the circumpolar vortex has caused a dramatic shift in the atmospheric circulation patterns above sub-Saharan West Africa.
  - (D) The drought in sub-Saharan West Africa represents a long-term permanent alteration in global climate patterns.
  - (E) Meteorologists cannot determine when the drought in sub-Saharan West Africa is likely to end.
23. The author's attitude toward the cooling hypothesis is best described as one of
- (A) vehement opposition
  - (B) cautious skepticism
  - (C) growing ambivalence
  - (D) guarded enthusiasm
  - (E) strong support
24. According to the passage proponents of the cooling hypothesis suggested that the circumpolar vortex is likely to expand when which one of the following occurs?
- (A) The average annual atmospheric temperature of the tropics is significantly higher than normal for an extended period of time.
  - (B) The average annual snowfall in the Northern Hemisphere is lower than normal for an extended period of time.

- (C) The average annual surface temperature of Northern Hemisphere waters is higher than the average annual surface temperature of Northern Hemisphere landmasses.
- (D) There is a significant increase in the difference between the average annual atmospheric temperature of the tropics and that of the more northern latitudes.
- (E) There is a significant increase in the difference between the average annual atmospheric temperatures of the middle and the high latitudes in the Northern Hemisphere.
25. Which one of the following can be inferred from the passage about the average annual temperature of the air over Northern Hemisphere landmasses before 1945?
- (A) It was higher than it was between 1945 and the early 1970s.
- (B) It was lower than it was during the early 1980s.
- (C) It was the same as it was between 1945 and the early 1970s.
- (D) It was the same as the annual average surface temperature of Northern Hemisphere landmasses and bodies of water between 1945 and the early 1970s.
- (E) It was higher than the annual average surface temperature of Northern Hemisphere landmasses and bodies of water between 1945 and the early 1970s.
26. Which one of the following best describes the organization of the passage?
- (A) Opposing points of view are presented, evidence supporting each point of view is discussed, and then one point of view is developed into a formal hypothesis.
- (B) A theory is discussed and different points of view about the theory are discussed, supported and then reconciled.
- (C) A hypothesis is proposed, contradictory evidence is discussed and then the hypothesis is amended.
- (D) A theory explaining a phenomenon is proposed, supporting evidence is considered and then the theory is disputed.
- (E) A point of view is presented, a theory supporting the view is proposed, contradictory evidence is presented and then a different theory is proposed.
27. A proponent of the cooling hypothesis would most likely argue that the return of the monsoon rains to sub-Saharan West Africa would indicate that which one of the following has also occurred?
- (A) The amount of ice and snow coverage over the landmasses of the Northern Hemisphere has increased.
- (B) The average annual temperature of the atmosphere over the middle and high latitudes of the Northern Hemisphere has decreased.
- (C) The average annual temperature of the atmosphere over the tropics in the

Northern Hemisphere has increased.

- (D) Other components of large-scale atmospheric circulation besides the circumpolar vortex have expanded and moved southward.
- (E) The atmospheric circulation pattern of the high-altitude westerly winds has resumed its normal pattern.

### LSAT 23 SECTION III

Time 35 minutes 26 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.*

Wherever the crime novels of P. D. James are discussed by critics, there is a tendency on the one hand to exaggerate her merits and on the other to castigate her as a genre writer who is **getting above herself**. Perhaps underlying the debate is that familiar, false opposition set up between different kinds of fiction, according to which enjoyable novels are held to be somehow slightly lowbrow, and a novel is not considered true literature unless it is a tiny bit dull.

Those commentators who would elevate James' books to the status of high literature point to her painstakingly constructed characters, her elaborate settings, her sense of place, and her love of abstractions: notions about morality, duty, pain, and pleasure are never far from the lips of her police officers and murderers. Others find her pretentious and tiresome; an inverted snobbery accuses her of abandoning the time-honored conventions of the detective genre in favor of a highbrow literary style. The critic Harriet Waugh wants P. D. James to **get on with** "the more **taxing** business of laying a tricky trail and then fooling the reader"; Philip Oakes in *The Literary Review* groans, "Could we please **proceed with** the business of clapping the handcuffs on the killer?"

James is certainly capable of strikingly good writing. She takes immense trouble to provide her characters with convincing histories and passions. Her descriptive digressions are part of the pleasure of her books and give them dignity and weight. But it is equally true that they frequently interfere with the story; the patinas and aromas of a country kitchen receive more loving attention than does the plot itself. Her devices to advance the story can be **shameless** and **thin**, and it is often impossible to see how her detective arrives at the truth; one is left to conclude that the detective solves crimes through intuition. At this stage in her career P. D. James seems to be less interested in the specifics of detection than in her characters' vulnerabilities and perplexities.

However, once the rules of a chosen genre **cramp** creative thought, there is no reason why an able and interesting writer should accept them. In her latest book, there are signs that James is beginning to feel constrained by the crime-novel genre, here her determination to **leave** areas of ambiguity in the solution of the crime and to distribute guilt among the murderer, victim, and bystanders points to conscious rebellion against the traditional neatness of detective fiction. It is fashionable, though reprehensible, for one writer to prescribe to another.

But perhaps the time has come for P. D. James to slide out of her handcuffs and stride into the territory of the mainstream novel.

1. Which one the following best states the author's main conclusion?
  - (A) Because P. D. James's potential as a writer is stifled by her chosen genre, she should turn her talents toward writing mainstream novels.
  - (B) Because the requirements of the popular novel are incompatible with true creative expression, P. D. James's promise as a serious author has been diminished.
  - (C) The dichotomy between popular and sophisticated literature is well illustrated in the crime novels of P. D. James.
  - (D) The critics who have condemned P. D. James's lack of attention to the specifics of detection fail to take into account her carefully constructed plots.
  - (E) Although her plots are not always neatly resolved, the beauty of her descriptive passages justifies P. D. James's decision to write in the crime-novel genre.
2. The author refers to the "patinas and aromas of a county kitchen" (line 32) most probably in order to
  - (A) illustrate James's gift for innovative phrasing
  - (B) highlight James's interest in rural society
  - (C) allow the reader to experience the pleasure of James's books
  - (D) explain how James typically constructs her plots
  - (E) exemplify James's preoccupation with descriptive writing
3. The second paragraph serves primarily to
  - (A) propose an alternative to two extreme opinions described earlier
  - (B) present previously mentioned positions in greater detail
  - (C) contradict an assertion cited previously
  - (D) introduce a controversial interpretation
  - (E) analyze a dilemma in greater depth
4. The passage supports which one of the following statements about detective fiction?
  - (A) There are as many different detective-novel conventions as there are writers of crime novels.
  - (B) Detective fiction has been characterized by extremely high literary quality.
  - (C) Detective fiction has been largely ignored by literary critics.
  - (D) There is very little agreement among critics about the basic elements of typical detective novel.
  - (E) Writers of detective fiction have customarily followed certain conventions in constructing their novels.



5. The passage suggests that both Waugh and Oakes consider James's novels to have
- (A) too much material that is extraneous to the solution of the crime
  - (B) too little characterization to enable the reader to solve the crime
  - (C) too few suspects to generate suspense
  - (D) too simple a plot to hold the attention of the reader
  - (E) too convoluted a plot for the reader to understand
6. It can be inferred from the passage that, in the author's view, traditional detective fiction is characterized by
- (A) concern for the weaknesses and doubts of the characters
  - (B) transparent devices to advance the plot
  - (C) the attribution of intuition to the detective
  - (D) the straightforward assignment of culpability for the crime
  - (E) attention to the concepts of morality and responsibility
7. The author characterizes the position of some critics as "inverted snobbery" (line 17) because they hold which one of the following views?
- (A) Critics of literature must acknowledge that they are less talented than creators of literature.
  - (B) Critics should hesitate to disparage popular authors.
  - (C) P. D. James's novels should focus less on characters from the English landed gentry.
  - (D) Detective fiction should be content to remain an unambiguous literary genre.
  - (E) P. D. James should be less fastidious about portraying violence.
8. Which one of the following quotations about literature best exemplifies the "familiar" attitude mentioned in lines 5-9?
- (A) "The fantasy and whimsy characteristic of this writer's novels qualify them as truly great works of literature."
  - (B) "The greatest work of early English literature happens to be a highly humorous collection of tales."
  - (C) "A truly great work of literature should place demand upon its readers, rather than divert them."
  - (D) "Although many critics are condescending about best-selling novels, I would not wish to challenge the opinion of millions of readers."
  - (E) "A novel need only satisfy the requirements of its particular genre to be considered a true work of literature."

Many Native Americans view the archaeological excavation and museum display of ancestral skeletal remains and items buried with them as a spiritual desecration. A number of legal remedies that either prohibit or regulate such activities may be available to Native American communities, if they can establish **standing** in such cases. In disinterment cases, courts have traditionally affirmed the standing of three classes of plaintiffs: the deceased's heirs,

the owner of the property on which the grave is located, and parties, including organizations or distant relatives of the deceased, that have a clear interest in the preservation of a particular grave. If an archaeologically discovered grave is of recent historical origin and associated with an identifiable Native American community, Native Americans are likely to establish standing in a suit to prevent disinterment of the remains, but in cases where the grave is ancient and located in an area where the community of Native Americans associated with the grave has not recently lived, they are less likely to be successful **in this regard**. Indeed, in most cases involving ancient graves, to recognize that Native Americans have standing would represent a significant expansion of common law. In cases where standing can be achieved, however, **common law** may provide a basis for some Native American claims against archaeologists and museums.

Property law, for example, can be useful in establishing Native American claims to artifacts that are retrieved in the excavation of ancient graves and can be considered the communal property of Native American tribes or communities. In *Charrier v. Bell*, a United States **appellate** court ruled that the common law doctrine of abandonment, which allows the finder of abandoned property to claim ownership, does not apply to objects buried with the deceased. The court ruled that the practice of burying items with the body of the deceased "is not intended as a means of relinquishing ownership to a stranger" and that to interpret it as such "could render a grave subject to despoliation either immediately after interment or...after removal of the descendants of the deceased from the neighborhood of the cemetery." This ruling suggests that artifacts excavated from Native American ancestral graves should be returned to representatives of tribal groups who can establish standing in such cases.

More generally, United States courts have upheld the distinction between individual and communal property, holding that an individual Native American does not have title to communal property owned and held for common use by his or her tribe. As a result, museums cannot assume that they have valid title to cultural property merely because they purchased in good faith an item that was originally sold **in good faith** by an individual member of a Native American community.

9. The primary purpose of the passage is to provide an answer to which one of the following questions?
- (A) How should the legal protection of Native American burial grounds be enhanced?
  - (B) What characteristics of Native American burial grounds enhance their chances for protection by the law?
  - (C) In what ways does the law protect the rights of Native Americans in regards to the contents of ancestral graves?
  - (D) Why are the courts concerned with protecting Native American burial grounds from desecration?
  - (E) By what means can Native Americans establish their rights to land on which their ancestors are buried?
10. It can be inferred that a court would be most likely to deny standing in a disinterment case to which one of the following Native American plaintiffs?
- (A) one who seeks, as one of several beneficiaries of his father's estate, to protect

- the father's burial site
- (B) one who seeks to prevent tenants on her land from taking artifacts from a grave located on the property
  - (C) one who represents a tribe whose members hope to prevent the disinterment of remains from a distant location from which the tribe recently moved
  - (D) one who seeks to have artifacts that have been removed from a grave determined to be that of her **second cousin** returned to the grave
  - (E) one who seeks the return of artifacts taken from the ancient burial grounds of disparate tribes and now displayed in a museum
11. According to the passage, which one of the following is true of cases involving ancient graves?
- (A) Once a plaintiff's standing has been established, such cases are usually more difficult to resolve than are cases involving more recent graves.
  - (B) The distinction between individual and communal property is usually an issue in such cases.
  - (C) Even when a plaintiff's standing has been established, property law cannot be used as a basis for the claims of Native Americans in most such cases.
  - (D) In most such cases, common law does not currently provide a clear basis for establishing that Native Americans have standing.
  - (E) Common law is rarely used as a basis for the claims of Native Americans who have established standing in such cases.
12. The passage suggests that in making the ruling in *Charrier v. Bell* the court is most likely to have considered the answer to which one of the following questions?
- (A) Are the descendants of the deceased still alive?
  - (B) What was the reason for burying the objects in question?
  - (C) How long after interment had buried objects been claimed by stranger?
  - (D) Did the descendants of the deceased remain in the neighborhood of the cemetery?
  - (E) Could the property on which buried objects were found be legally considered to be abandoned property?
13. The author uses the second paragraph to
- (A) illustrate the contention that common law may support the claims of Native Americans to the contents of ancestral graves
  - (B) exemplify the difficulties that Native Americans are likely to encounter in claiming ancestral remains
  - (C) introduce a discussion of the distinction between individual and communal property
  - (D) confirm the contention that cases involving ancient graves present unresolved

legal problems

(E) suggest that property law is applicable in most disinterment cases

14. Which one of the following best expresses the main idea of the passage?

- (A) Prior to an appellate court's ruling in *Charrier v. Bell*, Native Americans had no legal grounds for demanding the return of artifacts excavated from ancient graves.
- (B) Property law offers the most promising remedies to Native Americans seeking to recover communally owned artifacts that were sold to museums without tribal authorization.
- (C) The older the grave, the more difficult it is for Native Americans to establish standing in cases concerning the disposition of archaeologically excavated ancestral remains.
- (D) In cases in which Native Americans can establish standing, common law can be useful in protecting ancestral remains and the artifacts buried with them.
- (E) Native Americans are unlikely to make significant progress in the recovery of cultural property until common law is significantly expanded to provide them with standing in cases involving the excavation of ancient graves.

When the same habitat types (forests, oceans, grasslands etc.) in regions of different latitudes are compared, it becomes apparent that the overall number of species increases from pole to equator. This latitudinal gradient is probably even more pronounced than current records indicate, since researchers believe that most undiscovered species live in the tropics.

One hypothesis to explain this phenomenon, the "time theory" holds that diverse species adapted to today's climatic conditions have had more time to emerge in the tropical regions, which, unlike the temperate and arctic zones, have been unaffected by a succession of ice ages. However, ice ages have caused less disruption in some temperate regions than in others and have not interrupted arctic conditions.

Alternatively, the species-energy hypothesis proposes the following positive correlations: incoming energy from the Sun correlated with rates of growth and reproduction; rates of growth and reproduction with the amount of living matter (biomass) at a given moment; and the amount of biomass with number of species. However, since organisms may die rapidly, high production rates can exist with low biomass. And high biomass can exist with few species. Moreover, the mechanism proposed—greater energy influx leading to bigger populations, thereby lowering the probability of local extinction—remains untested.

A third hypothesis centers on the tropics' climatic stability, which provides a more reliable supply of resources. Species can thus survive even with few types of food, and competing species can tolerate greater overlap between their respective niches. Both capabilities enable more species to exist on the same resources. However, the ecology of local communities cannot account for the origin of the latitudinal gradient. Localized ecological processes such as competition do not generate regional pools of species, and it is the total number of species available regionally for colonizing any particular area that makes the difference between, for example, a forest at the equator and one at higher latitude.

A fourth and most plausible hypothesis focuses on regional speciation, and in particular on rates of speciation and extinction. According to this hypothesis, if speciation rates become higher toward the tropics, and are not negated by extinction rates, then the latitudinal gradient would result—and become increasingly steep.

The mechanism for this rate-of-speciation hypothesis is that most new animal species, and perhaps plant species, arise because a population subgroup becomes isolated. This subgroup evolves differently and eventually cannot interbreed with members of the original population. The uneven spread of a species over a large geographic area promotes this mechanism: at the edges, small populations spread out and form isolated groups. Since subgroups in an arctic environment are more likely to face extinction than those in the tropics, the latter are more likely to survive long enough to adapt to local conditions and ultimately become new species.

15. Which one of the following most accurately expressed the main idea of the passage?
- (A) At present, no single hypothesis explaining the latitudinal gradient in numbers of species is more widely accepted than any other.
  - (B) The tropical climate is more conducive to promoting species diversity than are arctic or temperate climates.
  - (C) Several explanations have been suggested for global patterns in species distribution, but a hypothesis involving rates of speciation seems most promising.
  - (D) Despite their differences, the various hypotheses regarding a latitudinal gradient in species diversity concur in prediction that the gradient can be expected to increase.
  - (E) In distinguishing among the current hypotheses for distribution of species, the most important criterion is whether a hypothesis proposes a mechanism that can be tested and validated.
16. Which one of the following situations is most consistent with the species-energy hypothesis as described in the passage?
- (A) The many plants in a large agricultural tract represent a limited range of species.
  - (B) An animal species experiences a death rate almost as rapid as its rate of growth and reproduction.
  - (C) Within the small number of living organisms in a desert habitat, many different species are represented.
  - (D) In a tropical rain forest, a species with a large population is found to exhibit instances of local extinction.
  - (E) In an arctic tundra, the plants and animals exhibit a slow rate of growth and reproduction.
17. As presented in the passage, the principles of the time theory most strongly support which one of the following predictions?

- (A) In the absence of additional ice ages, the number of species at high latitudes could eventually increase significantly.
  - (B) No future ice ages are likely to change the climatic conditions that currently characterize temperate regions.
  - (C) If no further ice ages occur, climatic conditions at high latitudes might eventually resemble those at today's tropical latitudes.
  - (D) Researchers will continue to find many more new species in the tropics than in the arctic and temperate zones.
  - (E) Future ice ages are likely to interrupt the climatic conditions that now characterize high-latitude regions.
18. Which one of the following, if true, most clearly weakens the rate-of-speciation hypothesis as it is described in the passage?
- (A) A remote subgroup of a tropical species is reunited with the original population and proves unable to interbreed with members of this original population.
  - (B) Investigation of a small area of a tropical rain forest reveals that many competing species are able to coexist on the same range of resources.
  - (C) A correlation between higher energy influx, larger populations and lower probability of local extinction is definitively established.
  - (D) Researchers find more undiscovered species during an investigation of an arctic region than they had anticipated.
  - (E) Most of the isolated subgroups of mammalian life within a tropical zone are found to experience rapid extinction.
19. Which one of the following inferences about the biological characteristics of a temperate-zone grassland is most strongly supported by the passage?
- (A) It has more different species than does a tropical-zone forest.
  - (B) Its climatic conditions have been severely interrupted in the past by succession of ice ages.
  - (C) If it has a large amount of biomass, it also has a large number of different species.
  - (D) It has a larger regional pool of species than does an arctic grassland.
  - (E) If population groups become isolated at its edges, they are likely to adapt to local conditions and become new species.
20. With which one of the following statements concerning possible explanations for the latitudinal gradient in number of species would the author be most likely to agree?
- (A) The time theory is the least plausible of proposed hypotheses, since it does not correctly assess the impact of ice ages upon tropical conditions.
  - (B) The rate-of-speciation hypothesis addresses a principal objection to the climatic-stability hypothesis.



- (C) The major objection to the time theory is that it does not accurately reflect the degree to which the latitudinal gradient exists, especially when undiscovered species are taken into account.
- (D) Despite the claims of the species-energy hypothesis, a high rate of biological growth and reproduction is more likely to exist with low biomass than with high biomass.
- (E) An important advantage of the rate-of-speciation theory is that it considers species competition in a regional rather than local context.

Two impressive studies have reexamined Eric Williams' conclusion that Britain's abolition of the slave trade in 1807 and its emancipation of slavers in its colonies in 1834 were driven primarily by economic rather than humanitarian motives. Blighted by depleted soil, indebtedness, and the inefficiency of coerced labor, these colonies, according to Williams, had by 1807 become an impediment to British economic progress.

Seymour Drescher provides a more balanced view. Rejecting interpretations based either on economic interest or the moral vision of abolitionists, Drescher has reconstructed the **populist** characteristics of British abolitionism, which appears to have cut across lines of class, party, and religion. Noting that between 1780 and 1830 antislavery petitions outnumbered those on any other issue, including parliamentary reform, Drescher concludes that such support cannot be explained by economic interest alone, especially when much of it came from the unenfranchised masses. Yet, **aside from** demonstrating that such support must have resulted at least in part from widespread literacy and a tradition of political activism, Drescher does not finally explain how England, a nation deeply divided by class struggles, could mobilize popular support for antislavery measures proposed by otherwise conservative politicians in the **House of Lords** and approved there with little dissent.

David Eltis' answer to that question actually supports some of Williams' insights. Eschewing Drescher's idealization of British traditions of liberty, Eltis points to continuing use of low wages and Draconian vagrancy laws in the seventeenth and eighteenth centuries to ensure the industriousness of British workers. Indeed, certain **notables** even called for the enslavement of unemployed laborers who roamed the British countryside—an acceptance of coerced labor that Eltis attributes to a preindustrial desire to keep labor costs low and exports competitive. By the late eighteenth century, however, a growing **home market** began to alert capitalists to the importance of "want creation" and to incentives such as higher wages as a means of increasing both worker productivity and the number of consumers.

Significantly, it was products grown by slaves, such as sugar, coffee, and tobacco, that stimulated new wants at all levels of British society and were the forerunners of products intended in modern capitalist societies to satisfy what Eltis describes as "nonsubsistence or psychological needs." Eltis concludes that in economy that had begun to rely on voluntary labor to satisfy such needs, forced labor necessarily began to appear both inappropriate and counterproductive to employers. Eltis thus concludes that, while Williams may well have underestimated the economic viability of the British colonies employing forced labor in the early 1800s, his insight into the economic motives for abolition was partly accurate. British leaders became committed to colonial labor reform only when they became convinced, for reasons other than those cited by Williams, that free labor was more beneficial to the imperial economy.

21. Which one of the following best describes the main idea of the passage?
- (A) Although they disagree about the degree to which economic motives influenced Britain's abolition of slavery, Drescher and Eltis both concede that moral persuasion by abolitionists was a significant factor.
  - (B) Although both Drescher and Eltis have questioned Williams' analysis of the motivation behind Britain's abolition of slavery, there is support for part of Williams' conclusion.
  - (C) Because he has taken into account the populist characteristics of British abolitionism, Drescher's explanation of what motivated Britain's abolition of slavery is finally more persuasive than that of Eltis.
  - (D) Neither Eltis nor Drescher has succeeded in explaining why support for Britain's abolition of slavery appears to have cut across lines of party, class, and religion.
  - (E) Although flawed in certain respects, Williams's conclusions regarding the economic condition of British slave colonies early in the nineteenth century have been largely vindicated.
22. It can be inferred that Eltis cites the views of "certain notables" (line 35) in order to
- (A) support the claim that British traditions of liberty were not as strong as Drescher believed them to be
  - (B) support the contention that a strong labor force was important to Britain's economy
  - (C) emphasize the importance of slavery as an institution in preindustrial Britain
  - (D) indicate that the laboring classes provided little support for the abolition of slavery
  - (E) establish that laborers in preindustrial Britain had few civil rights
23. Which one of the following best states Williams' view of the primary reason for Britain's abolition of the slave trade and the emancipation of slaves in its colonies?
- (A) British populism appealed to people of varied classes, parties, and religions.
  - (B) Both capitalists and workers in Britain accepted the moral precepts of abolitionists.
  - (C) Forced labor in the colonies could not produce enough goods to satisfy British consumers.
  - (D) The operation of colonies based on forced labor was no longer economically advantageous.
  - (E) British workers became convinced that forced labor in the colonies prevented paid workers from receiving higher wages.
24. According to Eltis, low wages and Draconian vagrancy laws in Britain in the seventeenth and eighteenth centuries were intended to

- (A) protect laborers against unscrupulous employment practices
  - (B) counter the move to enslave unemployed laborers
  - (C) ensure a cheap and productive work force
  - (D) ensure that the work force experienced no unemployment
  - (E) ensure that products produced in British colonies employing forced labor could compete effectively with those produced in Britain
25. It can be inferred that the author of the passage views Drescher's presentation of British traditions concerning liberty as
- (A) accurately stated
  - (B) somewhat unrealistic
  - (C) carefully researched
  - (D) unnecessarily tentative
  - (E) superficially convincing
26. The information in the passage suggests that Eltis and Drescher agree that
- (A) people of all classes in Britain supported the abolition of slavery
  - (B) the motives behind Britain's abolition of slavery were primarily economic
  - (C) the moral vision of abolitionists played a vital part in Britain's abolition of slavery
  - (D) British traditions of liberty have been idealized by historians
  - (E) Britain's tradition of political activism was primarily responsible for Britain's abolition of slavery
27. According to the passage, Eltis argues against which one of the following contentions?
- (A) Popular support for antislavery measures existed in Britain in the early nineteenth century.
  - (B) In the early nineteenth century, colonies that employed forced labor were still economically viable.
  - (C) British views concerning personal liberty motivated nineteenth-century British opposition to slavery.
  - (D) Widespread literacy in Britain contributed to public opposition to slavery in the early nineteenth century.
  - (E) Antislavery measures proposed by conservative politicians in the early nineteenth century met with little opposition.

**LSAT 24 SECTION II****Time 35 minutes 26 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 career of trumpeter Miles Davis was one of the most astonishingly productive that jazz music has ever seen. Yet his genius has never received its due. The impatience and artistic restlessness that characterized his work spawned one stylistic turn after another and made Davis anathema to many critics, who deplored his abandonment first of bebop and then of “cool” acoustic jazz for ever more innovative sounds.

Having begun his career studying bebop, Davis pulled the first of many stylistic surprises when, in 1948, he became a member of an impromptu musical think tank that gathered in a New York City apartment. The work of this group not only slowed down tempos and featured ensemble playing as much as or even more than solos—in direct reaction to bebop—it also became the seedbed for the “West Coast cool” jazz style.

In what would become a characteristic zigzag, Davis didn’t follow up on these innovations himself. Instead, in the late 1950s he formed a new band that broke free from jazz’s restrictive pattern of chord changes. Soloists could determine the shapes of their melodies without referring back to the same unvarying repetition of chords. In this period, Davis attempted to join jazz phrasings, harmonies, and tonal qualities with a unified and integrated sound similar to that of a classical orchestral piece: in his recordings the rhythms, no matter how jazzlike, are always understated, and the instrumental voicings seem muted.

Davis’s recordings from the late 1960s signal that, once again, his direction was changing. On *Filles de Kilimanjaro*, Davis’s request that keyboardist Herbie Hancock play electric rather than acoustic piano caused consternation among jazz purists of the time. Other albums featured rock-style beats, heavily electronic instrumentation, a loose improvisational attack and a growing use of studio editing to create jagged soundscapes. By 1969 Davis’s typical studio procedure was to have musicians improvise from a base script of material and then to build finished pieces out of tape, like a movie director. Rock groups had pioneered the process; to jazz lovers, raised on the ideal of live improvisation, that approach was a violation of the premise that recordings should simply document the musicians’ thought processes in real time. Davis again became the target of fierce polemics by purist jazz critics, who have continued to belittle his contributions to jazz.

What probably underlies the intensity of the reactions against Davis is fear of the broadening of possibilities that he exemplified. Ironically, he was simply doing what jazz explorers have always done: reaching for something new that was his own. But because his career endured, because he didn’t die young or record only sporadically, and because he refused to dwell in whatever niche he had previously carved out, critics find it difficult to definitively rank Davis in the aesthetic hierarchy to which they cling.

1. Which one of the following best states the main point the passage?
  - (A) Because the career of Miles Davis was characterized by frequent shifts in styles, he never fulfilled his musical potential.
  - (B) Because the career of Miles Davis does not fit neatly into their preconceptions about the life and music of jazz musicians, jazz critics have

- not accorded him the appreciation he deserves.
- (C) Because the career of Miles Davis was unusually long and productive, he never received the popular acclaim generally reserved for artists with more tragic life histories.
- (D) The long and productive career of Miles Davis spawned most of the major stylistic changes affecting twentieth-century jazz.
- (E) Miles Davis' versatility and openness have inspired the admiration of most jazz critics.
2. According to the passage, which one of the following true of the "West Coast cool" jazz style?
- (A) It was popularized by Miles Davis.
- (B) It was characterized by a unified and integrated sound.
- (C) It was played primarily by large ensembles.
- (D) It introduced a wide variety of chord change patterns.
- (E) It grew out of innovations developed in New York City.
3. The passage suggests which one of the following about the kind of jazz played by Miles Davis prior to 1948?
- (A) It was characterized by rapid tempos and an emphasis on solo playing.
- (B) It equally balanced ensemble and solo playing.
- (C) It was a reaction against more restrictive jazz styles.
- (D) It is regarded by purist jazz critics as the only authentic jazz style.
- (E) It was played primarily in New York City jazz clubs.
4. Which one of the following best describes the author's attitude toward Miles Davis' music?
- (A) uneasy ambivalence
- (B) cautious neutrality
- (C) grudging respect
- (D) moderate commendation
- (E) appreciative advocacy
5. Which one of the following creative processes is most similar to Miles Davis' typical studio procedure of the late 1960s, as described in the fourth paragraph of the passage?
- (A) The producer of a television comedy show suggests a setting and general topic for a comedy sketch and then lets the comedians write their own script.
- (B) An actor digresses from the written script and improvises during a monologue in order to introduce a feeling of spontaneity to the performance.
- (C) A conductor rehearses each section of the orchestra separately before assembling them to rehearse the entire piece together.

- (D) An artist has several photographers take pictures pertaining to a certain assigned theme and then assembles them into a pictorial collage.
- (E) A teacher has each student in a writing class write an essay on an assigned topic and then submits the best essays to be considered for publication in a journal.
6. Which one of the following, if true, would most undermine the author's explanation for the way Miles Davis is regarded by jazz critics?
- (A) Many jazz musicians who specialize in improvisational playing are greatly admired by jazz critics.
- (B) Many jazz musicians whose careers have been characterized by several radical changes in style are greatly admired by jazz critics.
- (C) Several jazz musicians who perform exclusively on electronic instruments are very highly regarded by jazz critics.
- (D) The jazz innovators who are held in the highest regard by jazz critics had brief yet brilliant careers.
- (E) Jazz critics are known to have a higher regard for musicality than for mere technical virtuosity.

By the mid-fourteenth century, professional associations of canon lawyers (legal **advocates** in Christian ecclesiastical courts, which dealt with cases involving marriage, inheritance, and other issues) had appeared in most of Western Europe, and a body of professional standards had been defined for them. One might expect that the professional associations would play a prominent role in enforcing these standards of conduct, as other guilds often did, and as modern professional associations do, but that seems not to have happened. Advocates' professional organizations showed little fervor for disciplining their erring members. Some even attempted to **hobble** efforts at enforcement. The Florentine guild of lawyers, for example, forbade its members to play any role in disciplinary proceedings against other guild members. In the few recorded episodes of disciplinary enforcement, the initiative for disciplinary action apparently came from a dissatisfied client, not from fellow lawyers.

At first glance, there seem to be two possible explanations for the rarity of disciplinary proceedings. Medieval canon lawyers may have generally observed the standards of professional conduct scrupulously. Alternatively, it is possible that deviations from the established standards of behavior were not uncommon, but that canonical disciplinary mechanisms were so inefficient that most delinquents escaped detection and punishment.

Two considerations make it clear that the second of these explanations is more plausible. First, the English **civil law** courts, whose ethical standards were similar to those of ecclesiastical courts, show many more examples of disciplinary actions against legal practitioners than do the records of church courts. This discrepancy could well indicate that the disciplinary mechanisms of the civil courts functioned more efficiently than those of the church courts. The alternative inference, namely, that ecclesiastical advocates were less prone to ethical lapses than their counterparts in the civil courts, seems inherently weak, especially since there was some overlap of personnel between the civil **bar** and the ecclesiastical bar.

Second, church authorities themselves complained about the failure of advocates to



measure up to ethical standards and deplored the shortcomings of the disciplinary system. Thus the Council of Basel declared that canon lawyers failed to adhere to the ethical prescriptions laid down in numerous papal constitutions and directed Cardinal Cesarian to address the problem. In England, where medieval church records are extraordinarily rich, similar complaints about the failure of the disciplinary system to reform unethical practices were very common.

Such criticisms seem to have had a paradoxical result, for they apparently reinforced the professional solidarity of lawyers at the expense of the enforcement of ethical standards. Thus the profession's critics may actually have induced advocates to organize professional associations for self-defense. The critics' attacks may also have persuaded lawyers to assign a higher priority to defending themselves against attacks by nonprofessionals than to disciplining wayward members within their own ranks.

7. Which one of the following best states the main conclusion of the passage?
- (A) Professional organizations of medieval canon lawyers probably only enforced ethical standards among their own members when provoked to do so by outside criticisms.
  - (B) Professional organizations of medieval civil lawyers seem to have maintained stricter ethical standards for their own members than did professional organizations of medieval canon lawyers.
  - (C) Professional organizations of medieval canon lawyers apparently served to defend their members against critics' attacks rather than to enforce ethical standards.
  - (D) The ethical standards maintained by professional associations of medieval canon lawyers were chiefly laid down in papal constitutions.
  - (E) Ethical standards for medieval canon lawyers were not laid down until professional organizations for these lawyers had been formed.
8. According to the passage, which one of the following statements about law courts in medieval England is true?
- (A) Some English lawyers who practiced in civil courts also practiced in church courts, but others served exclusively in one court or the other.
  - (B) English canon lawyers were more likely to initiate disciplinary proceedings against their colleagues than were English civil lawyers.
  - (C) English civil lawyers maintained more stringent ethical standards than did civil lawyers in the rest of Europe.
  - (D) English ecclesiastical courts had originally been modeled upon English civil courts.
  - (E) English ecclesiastical courts kept richer and more thorough records than did English civil courts.
9. The author refers to the Florentine guild of lawyers in the first paragraph most probably in order to

- (A) introduce a theory about to be promoted
  - (B) illustrate the type of action referred to in the previous sentence
  - (C) underline the universality of a method discussed throughout the paragraph
  - (D) point out a flaw in an argument presented earlier in the paragraph
  - (E) rebut an anticipated objection to a thesis just proposed
10. The author refers to the Council of Basel (line 47) primarily in order to
- (A) provide an example of the type of action needed to establish professional standards for canon lawyers
  - (B) contrast the reactions of English church authorities with the reactions of other bodies to violations of professional standards by canon lawyers
  - (C) bolster the argument that violations of professional standards by canon lawyers did take place
  - (D) explain how rules of conduct for canon lawyers were established
  - (E) describe the development of a disciplinary system to enforce professional standards among canon lawyers
11. According to the information in the passage, for which one of the following ethical violations would documentation of disciplinary action against a canon lawyer be most likely to exist?
- (A) betraying a client's secrets to the opposing party
  - (B) bribing the judge to rule in favor of a client
  - (C) misrepresenting credentials in order to gain admission to the lawyers' guild
  - (D) spreading rumors in order to discredit an opposing lawyer
  - (E) knowingly helping a client to misrepresent the truth
12. Which one of the following is most analogous to the "professional solidarity" referred to in lines 56-57?
- (A) Members of a teachers' union go on strike when they believe one of their colleagues to be falsely accused of using an inappropriate textbook.
  - (B) In order to protect the reputation of the press in the face of a largely hostile public, a journalist conceals distortions in a colleague's news article.
  - (C) Several dozen recording artists agree to participate in a concert to benefit an endangered environmental habitat.
  - (D) In order to expedite governmental approval of a drug, a government official is persuaded to look the other way when a pharmaceutical manufacturer conceals evidence that the drug may have minor side effects.
  - (E) A popular politician agrees to campaign for another, less popular politician belonging to the same political party.
13. The passage suggests that which one of the following is most likely to have been true of medieval guilds?

- (A) Few guilds of any importance existed before the mid-fourteenth century.
  - (B) Many medieval guilds exercised influence over the actions of their members.
  - (C) Most medieval guilds maintained more exacting ethical standards than did the associations of canon lawyers.
  - (D) Medieval guilds found it difficult to enforce discipline among their members.
  - (E) The ethical standards of medieval guilds varied from one city to another.
14. The author would be most likely to agree with which one of the following regarding the hypothesis that medieval canon lawyers observed standards of professional conduct scrupulously?
- (A) It is untrue because it is contradicted by documents obtained from the ecclesiastical courts.
  - (B) It is unlikely because it describes behavior markedly different from behavior observed in the same situation in modern society.
  - (C) It is unlikely because it describes behavior markedly different from behavior observed in a similar area of medieval society.
  - (D) It is impossible to assess intelligently because of the dearth of civil and ecclesiastical documents.
  - (E) It is directly supported by documents obtained from civil and ecclesiastical courts.

Many birds that form flocks compete through aggressive **interaction** for priority of access to resources such as food and shelter. The result of repeated interactions between flock members is that each bird gains a particular social status related to its fighting ability, with priority of access to resources increasing with higher status. As the number and intensity of interactions between birds increase, however, so increase the costs to each bird in terms of energy expenditure, time, and risk of injury. Thus, birds possessing attributes that reduce the number of costly interactions in which they must be involved, without leading to a reduction in status, are **at an advantage**. An **external signal**, such as a plumage type, announcing fighting ability and thereby obviating the actual need to fight, could be one such attribute.

The zoologist Rohwer asserted that plumage variations in "**Harris** sparrows" support the status signaling hypothesis (SSH). He reported that almost without exception birds with darker throats win conflicts with individuals having lighter plumage. He claimed that even among birds of the same age and sex the amount of dark plumage predicts relative dominance status.

However, Rohwer's data do not support his assertions: in one of his studies darker birds won only 57 out of 75 conflicts; within another, focusing on conflicts between birds of the same age group or sex, darker birds won 63 and lost 62. There are indications that plumage probably does signal broad age-related differences in status among Harris sparrows: adults, usually dark throated, have higher status than juveniles, who are usually light throated; moreover, juveniles dyed to resemble adults are dominant over undyed juveniles. However, the Harris sparrows' age-related plumage differences do not signal the status of individual birds within an age class, and thus cannot properly be included under the term "status signaling."

The best evidence for status signaling is from the greater titmouse. Experiments show a

strong correlation between the width of the black breast-plumage stripe and status as measured by success in aggressive interactions. An analysis of factors likely to be associated with breast-stripe width (sex, age, wing length, body weight) has demonstrated social status to be the only variable that correlates with stripe width when the other variables are held constant.

An ingenious experiment provided further evidence for status signaling in the greater titmouse. One of three stuffed titmouse dummies was mounted on a feeding tray. When a live bird approached, the dummy was turned by radio control to face the bird and present its breast stripe in "display". When presented with a dummy having a narrower breast stripe than their own, birds approached closely and behaved aggressively. However, when presented with a dummy having a broader breast stripe than their own, live birds acted submissive and did not approach.

15. According to the passage, the status signaling hypothesis holds that the ability to display a recognizable external signal would have the effect on an individual bird of
  - (A) enabling it to attract a mate of high status
  - (B) allowing it to avoid costly aggressive interactions
  - (C) decreasing its access to limited resources
  - (D) making it less attractive to predatory species
  - (E) increasing its fighting ability
16. The author refers to the fact that adult Harris sparrows are usually dark throated (lines 31-32), in order to do which one of the following?
  - (A) support the conclusion that plumage variation among Harris sparrows probably does not signal individual status
  - (B) argue that plumage variation among Harris sparrows helps to confirm the status signaling hypothesis
  - (C) indicate that in light of plumage variation patterns among Harris sparrows, the status signaling hypothesis should probably be modified
  - (D) demonstrate that Harris sparrows are the most appropriate subjects for the study of status signaling among birds
  - (E) suggest that the signaling of age-related differences in status is widespread among birds that form flocks
17. Which one of the following, if true, would most seriously undermine the validity of the results of the experiment discussed in the last paragraph?
  - (A) The live birds all came from different titmouse flocks.
  - (B) The physical characteristics of the stuffed dummies varied in ways other than just breast-stripe width.
  - (C) No live juvenile birds were included in the experiment.
  - (D) The food placed in the feeding tray was not the kind of food normally eaten by titmice in the wild.

- (E) Even the live birds that acted aggressively did not actually physically attack the stuffed dummies.
18. Which one of the following best describes the organization of the passage?
- (A) A hypothesis is introduced and studies relevant to the hypothesis are discussed and evaluated.
- (B) A natural phenomenon is presented and several explanations for the phenomenon are examined in detail.
- (C) Behavior is described, possible underlying causes for the behavior are reported, and the likelihood of each cause is assessed.
- (D) A scientific conundrum is explained and the history of the issue is recounted.
- (E) A scientific theory is outlined and opinions for and against its validity as well as experiments supporting each side are compared.
19. According to the passage, which one of the following true of Rohwer's relationship to the status signaling hypothesis (SSH)?
- (A) Although his research was designed to test the SSH, his data proved to be more relevant to other issues.
- (B) He set out to confirm the SSH, but ended up revising it.
- (C) He set out to disprove the SSH, but ended up accepting it.
- (D) He altered the SSH by expanding it to encompass various types of signals.
- (E) He advocated the SSH, but his research data failed to confirm it.
20. The passage suggests that among birds that form flocks, a bird of high status is most likely to have which one of the following?
- (A) dark throat plumage
- (B) greater-than-average body weight
- (C) offspring of high status
- (D) strong fighting ability
- (E) frequent injuries
21. Which one of the following can be inferred about Harris sparrows from the passage?
- (A) Among Harris sparrows, plumage differences signal individual status only within age groups.
- (B) Among Harris sparrows, adults have priority of access to food over juveniles.
- (C) Among Harris sparrows, juveniles with relatively dark plumage have status equal to that of adults with relatively light plumage.
- (D) Juvenile Harris sparrows engage in aggressive interaction more frequently than do adult Harris sparrows.
- (E) Harris sparrows engage in aggressive interaction less frequently than do greater titmice.

In *The Dynamics of Apocalypse*, John Lowe attempts to solve the mystery of the collapse of the Classic Mayan civilization. Lowe bases his study on a detailed examination of the known archaeological record. Like previous investigators, Lowe relies on dated monuments to construct a step-by-step account of the actual collapse. Using the erection of new monuments as a means to determine a site's occupation span, Lowe assumes that once new monuments ceased to be built, a site had been abandoned. Lowe's analysis of the evidence suggests that construction of new monuments continued to increase between A. D. 672 and 751, but that the civilization stopped expanding geographically; new construction took place almost exclusively in established settlements. The first signs of trouble followed. Monument inscriptions indicate that between 751 and 790, long-standing alliances started to break down. Evidence also indicates that between 790 and 830, the death rate in Classic Mayan cities outstripped the birthrate. After approximately 830, construction stopped throughout the area, and within a hundred years, the Classic Mayan civilization **all but** vanished.

Having established this chronology, Lowe **sets forth** a plausible explanation of the collapse that **accommodates** the available archaeological evidence. He theorizes that Classic Mayan civilization was **brought down** by the interaction of several factors, **set in motion** by population growth. An increase in population, particularly within the elite segment of society, necessitated ever more intense farming. Agricultural intensification exerted stress on the soil and led to a decline in productivity (the amount of food produced through each unit of labor invested). At the same time, the growth of the elite class created increasing demands for ceremonial monuments and luxuries, diverting needed labor from the fields. The theory holds that these stresses were communicated—and amplified—throughout the area as Mayan states engaged in warfare to acquire laborers and food, and refugees fled impoverished areas. The most vulnerable states thus began to **break down**, and each downfall triggered others, until the entire civilization collapsed.

If there is a central flaw in Lowe's explanation, it is that the entire edifice rests on the assumption that the available evidence paints a true picture of how the collapse proceeded. However, it is difficult to know how accurately the archaeological record reflects historic activity, especially of a complex civilization such as the Mayans', and a hypothesis can be tested only against the best available data. It is quite possible that our understanding of the collapse might be radically altered by better data. For example, Lowe's assumption about monument construction and the occupation span of a site might well be disproved if further investigations of Classic Mayan sites established that some remained heavily settled long after the custom of carving dynastic monuments had ceased.

22. Which one of the following best describes the organization of the passage?
- (A) A method used to analyze evidence is described, an explanation of the evidence is suggested, and then a conclusion is drawn from the evidence.
  - (B) A hypothesis is presented, evidence supporting the hypothesis is provided, and then the hypothesis is affirmed.
  - (C) An analysis of a study is presented, contradictory evidence is examined, and then a direction for future studies is suggested.
  - (D) The basis of a study is described, a theory that explains the available evidence is presented, and a possible flaw in the study is pointed out.



- (E) An observation is made, evidence supporting the observation is presented, and then contradictions in the evidence are discussed.
23. Which one of the following best expresses the main idea of the passage?
- (A) In *The Dynamics of Apocalypse*, John Lowe successfully proves that the collapse of Classic Mayan civilization was set in motion by increasing population and decreasing productivity.
- (B) In *The Dynamics of Apocalypse*, John Lowe breaks new ground in solving the mystery of the collapse of Classic Mayan civilization through his use of dated monuments to create a step-by-step account of the collapse.
- (C) In *The Dynamics of Apocalypse*, John Lowe successfully uses existing data to document the reduction and then cessation of new construction throughout Classic Mayan civilization.
- (D) Although John Lowe's study is based on a careful examination of the historical record, it does not accurately reflect the circumstances surrounding the collapse of Classic Mayan civilization.
- (E) While John Lowe's theory about the collapse of Classic Mayan civilization appears credible, it is based on an assumption that cannot be verified using the archaeological record.
24. Which one of the following is most closely analogous to the assumption Lowe makes about the relationship between monument construction and Classic Mayan cities?
- (A) A person assumes that the shortage of fresh produce on the shelves of a grocery store is due to the effects of poor weather conditions during the growing season.
- (B) A person assumes that a movie theater only shows foreign films because the titles of the films shown there are not familiar to the person.
- (C) A person assumes that a restaurant is under new ownership because the restaurant's menu has changed drastically since the last time the person ate there.
- (D) A person assumes that a corporation has been sold because there is a new name for the corporation on the sign outside the building where the company is located.
- (E) A person assumes a friend has sold her stamp collection because the friend has stopped purchasing new stamps.
25. It can be inferred from the passage that the author would describe the method Lowe used to construct a step-by-step chronology of the actual collapse of Classic Mayan civilization as
- (A) daringly innovative but flawed
- (B) generally accepted but questionable
- (C) very reliable but outdated

- (D) unscientific but effective
- (E) unconventional but brilliant
26. The author of the passage would most likely agree with which one of the following statements about the use of the archaeological record to reconstruct historic activity?
- (A) With careful analysis, archaeological evidence can be used to reconstruct accurately the historic activity of a past civilization.
- (B) Archaeological evidence is more useful for reconstructing the day-to-day activities of a culture than its long-term trends.
- (C) The accuracy of the archaeological record for reconstructing historic activity is dependent on the duration of the particular civilization.
- (D) The archaeological record is not an appropriate source of data for reconstructing historic activity.
- (E) Historic activity can be reconstructed from archaeological evidence, but it is ultimately impossible to confirm the accuracy of the reconstruction.

### **LSAT 25 SECTION I**

**Time 35 minutes 26 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.*

Painter Frida Kahlo (1910-1954) often used harrowing images derived from her Mexican heritage to express suffering caused by a disabling accident and a **stormy** marriage. Suggesting much personal and emotional content, her works—many of them self-portraits—have been exhaustively psychoanalyzed, while their political content has been less studied. Yet Kahlo was an ardent political activist who in her art sought not only to explore her own roots, but also to **champion** Mexico's struggle for an independent political and cultural **identity**.

Kahlo was influenced by Marxism, which appealed to many intellectuals in the 1920s and 1930s, and by Mexican nationalism. Interest in Mexico's culture and history had revived in the nineteenth century, and by the early 1900s, Mexican *indigenista* tendencies ranged from a violently anti-Spanish idealization of Aztec Mexico to an emphasis on contemporary Mexican Indians as the key to authentic Mexican culture. Mexican nationalism, reacting against contemporary United States political intervention in labor disputes as well as against past domination by Spain, identified the Aztecs as the last independent rulers of an indigenous political unit. Kahlo's form of *Mexicanidad*, a romantic nationalism that focused upon traditional art uniting all *indigenistas*, revered the Aztecs as a powerful pre-Columbian society that had united a large area of the Middle Americas and that was thought to have been based on communal labor, the Marxist ideal.

In her paintings, Kahlo repeatedly employed **Aztec** symbols, such as skeletons or bleeding hearts that were traditionally related to the emanation of life from death and light from

darkness. These images of destruction coupled with creation speak not only to Kahlo's personal battle for life, but also to the Mexican struggle to emerge as a nation—by implication, to emerge with the political and cultural strength admired in the Aztec civilization. *Self-portrait on the Border between Mexico and the United States* (1932), for example, shows Kahlo wearing a bone necklace, holding a Mexican flag, and standing between a highly industrialized United States and an agricultural, preindustrial Mexico. On the United States side are mechanistic and modern images such as smokestacks, light bulbs, and robots. In contrast, the organic and ancient symbols on the Mexican side—a blood-drenched Sun, lush vegetation, an Aztec sculpture, a pre-Columbian temple, and a skull alluding to those that lined the walls of Aztec temples—emphasize the interrelation of life, death, the earth, and the cosmos.

Kahlo portrayed Aztec images in the folkloric style of traditional Mexican paintings, thereby heightening the clash between modern materialism and indigenous tradition; similarly, she favored planned economic development, but not at the expense of cultural identity. Her use of familiar symbols in a readily accessible style also served her goal of being popularly understood; in turn, Kahlo is viewed by some Mexicans as a mythic figure representative of nationalism itself.

1. Which one of the following best expresses the main point of the passage?
  - (A) The doctrines of Marxist ideology and Mexican nationalism heavily influenced Mexican painters of Kahlo's generation.
  - (B) Kahlo's paintings contain numerous references to the Aztecs as an indigenous Mexican people predating European influence.
  - (C) An important element of Kahlo's work is conveyed by symbols that reflect her advocacy of indigenous Mexican culture and Mexican political autonomy.
  - (D) The use of Aztec images and symbols in Kahlo's art can be traced to the late nineteenth-century revival of interest in Mexican history and culture.
  - (E) Kahlo used Aztec imagery in her paintings primarily in order to foster contemporary appreciation for the authentic art of traditional Mexican culture.
2. With which one of the following statements concerning psychoanalytic and political interpretations of Kahlo's work would the author be most likely to agree?
  - (A) The psychoanalytic interpretations of Kahlo's work tend to challenge the political interpretations.
  - (B) Political and psychoanalytic interpretations are complementary approaches to Kahlo's work.
  - (C) Recent political interpretations of Kahlo's work are causing psychoanalytic critics to revise their own interpretations.
  - (D) Unlike the political interpretations, the psychoanalytic interpretations make use of biographical facts of Kahlo's life.
  - (E) Kahlo's mythic status among the audience Kahlo most wanted to reach is

based upon the psychoanalytic rather than the political content of her work.

3. Which one of the following stances toward the United States does the passage mention as characterizing Mexican nationalists in the early twentieth century?
  - (A) opposition to United States involvement in internal Mexican affairs
  - (B) desire to decrease emigration of the Mexican labor force to the United States
  - (C) desire to improve Mexico's economic competitiveness with the United States
  - (D) reluctance to imitate the United States model of rapid industrialization
  - (E) advocacy of a government based upon that of the Marxist Soviet Union rather than that of the United States
4. In the context of the passage, which one of the following phrases could best be substituted for the word "romantic" (line 24) without substantially changing the author's meaning?
  - (A) dreamy and escapist
  - (B) nostalgic and idealistic
  - (C) fanciful and imaginative
  - (D) transcendental and impractical
  - (E) overwrought and sentimental
5. The passage mentions each of the following as an Aztec symbol or image found in Kahlo's paintings EXCEPT a
  - (A) skeleton
  - (B) sculpture
  - (C) serpent
  - (D) skull
  - (E) bleeding heart
6. Which one of the following best describes the organization of the third paragraph?
  - (A) contrast of opposing ideas
  - (B) reconciliation of conflicting concepts
  - (C) interrelation of complementary themes
  - (D) explication of a principle's implications
  - (E) support for a generalization by means of an example
7. The passage implies that Kahlo's attitude toward the economic development of Mexico was
  - (A) enthusiastic
  - (B) condemnatory
  - (C) cautious
  - (D) noncommittal

(E) uncertain

8. The main purpose of the passage is to

- (A) critique an artist's style
- (B) evaluate opposing theories
- (C) reconcile conflicting arguments
- (D) advocate an additional interpretation
- (E) reconsider an artist in light of new discoveries

In recent years, a growing belief that the way society decides what to treat as true is controlled through largely unrecognized discursive practices has led legal reformers to examine the complex interconnections between narrative and law. In many legal systems, legal judgments are based on competing stories about events. Without having witnessed these events, judges and juries must validate some stories as true and reject others as false. This procedure is rooted in objectivism, a philosophical approach that has supported most Western legal and intellectual systems for centuries. Objectivism holds that there is a single neutral description of each event that is unskewed by any particular point of view and that has a privileged position over all other accounts. The law's quest for truth, therefore, consists of locating this objective description, the one that tells what really happened, as opposed to what those involved thought happened. The serious flaw in objectivism is that there is no such thing as the neutral, objective observer. As psychologists have demonstrated, all observers bring to a situation a set of expectations, values, and beliefs that determine what the observers are able to see and hear. Two individuals listening to the same story will hear different things, because they emphasize those aspects that accord with their learned experiences and ignore those aspects that are dissonant with their view of the world. Hence there is never any escape in life or in law from selective perception or from subjective judgments based on prior experiences, values, and beliefs.

The societal harm caused by the assumption of objectivist principles in traditional legal discourse is that, historically, the stories judged to be objectively true are those told by people who are trained in legal discourse, while the stories of those who are not fluent in the language of the law are rejected as false.

Legal scholars such as Patricia Williams, Derrick Bell, and Mari Matsuda have sought empowerment for the latter group of people through the construction of alternative legal narratives. Objectivist legal discourse systematically disallows the language of emotion and experience by focusing on cognition in its narrowest sense. These legal reformers propose replacing such abstract discourse with powerful personal stories. They argue that the absorbing, nonthreatening structure and tone of personal stories may convince legal insiders for the first time to listen to those not fluent in legal language. The compelling force of personal narrative can create a sense of empathy between legal insiders and people traditionally excluded from legal discourse and, hence, from power. Such alternative narratives can shatter the complacency of the legal establishment and disturb its tranquility. Thus, the engaging power of narrative might play a crucial, positive role in the process of legal reconstruction by overcoming differences in background and training and forming a new collectivity based on emotional empathy.

9. Which one of the following best states the main idea of the passage?
- (A) Some legal scholars have sought to empower people historically excluded from traditional legal discourse by instructing them in the forms of discourse favored by legal insiders.
  - (B) Some legal scholars have begun to realize the social harm caused by the adversarial atmosphere that has pervaded many legal systems for centuries.
  - (C) Some legal scholars have proposed alleviating the harm caused by the prominence of objectivist principles within legal discourse by replacing that discourse with alternative forms of legal narrative.
  - (D) Some legal scholars have contended that those who feel excluded from objectivist legal systems would be empowered by the construction of a new legal language that better reflected objectivist principles.
  - (E) Some legal scholars have argued that the basic flaw inherent in objectivist theory can be remedied by recognizing that it is not possible to obtain a single neutral description of a particular event.
10. According to the passage, which one of the following is true about the intellectual systems mentioned in line 11?
- (A) They have long assumed the possibility of a neutral depiction of events.
  - (B) They have generally remained unskewed by particular points of view.
  - (C) Their discursive practices have yet to be analyzed by legal scholars.
  - (D) They accord a privileged position to the language of emotion and experience.
  - (E) The accuracy of their basic tenets has been confirmed by psychologists.
11. Which one of the following best describes the sense of “cognition” referred to in line 43 of the passage?
- (A) logical thinking uninfluenced by passion
  - (B) the interpretation of visual cues
  - (C) human thought that encompasses all emotion and experience
  - (D) the reasoning actually employed by judges to arrive at legal judgments
  - (E) sudden insights inspired by the power of personal stories
12. It can be inferred from the passage that Williams, Bell, And Matsuda believe which one of the following to be central component of legal reform?
- (A) incorporating into the law the latest developments in the fields of psychology and philosophy
  - (B) eradicating from legal judgments discourse with a particular point of view
  - (C) granting all participants in legal proceedings equal access to training in the forms and manipulation of legal discourse
  - (D) making the law more responsive to the discursive practices of a wider variety of people
  - (E) instilling an appreciation of legal history and methodology in all the



participants in a legal proceeding

13. Which one of the following most accurately describes the author's attitude toward proposals to introduce personal stories into legal discourse?
- (A) strongly opposed
  - (B) somewhat skeptical
  - (C) ambivalent
  - (D) strongly supportive
  - (E) unreservedly optimistic
14. The passage suggests that Williams, Bell, and Matsuda would most likely agree with which one of the following statements regarding personal stories?
- (A) Personal stories are more likely to adhere to the principles of objectivism than are other forms of discourse.
  - (B) Personal stories are more likely to de-emphasize differences in background and training than are traditional forms of legal discourse.
  - (C) Personal stories are more likely to restore tranquility to the legal establishment than are more adversarial forms of discourse.
  - (D) Personal stories are more likely to lead to the accurate reconstruction of facts than are traditional forms of legal narrative.
  - (E) Personal stories are more likely to be influenced by a person's expectations, values, and beliefs than are other forms of discourse.
15. Which one of the following statements about legal discourse in legal systems based on objectivism can be inferred from the passage?
- (A) In most Western societies the legal establishment controls access to training in legal discourse.
  - (B) Expertise in legal discourse affords power in most Western societies.
  - (C) Legal discourse has become progressively more abstract for some centuries.
  - (D) Legal discourse has traditionally denied the existence of neutral objective observers.
  - (E) Traditional legal discourse seeks to reconcile dissonant world views.
16. Those who reject objectivism would regard "the law's quest for truth" (line 15-16) as most similar to which one of the following?
- (A) a hunt for an imaginary animal
  - (B) the search for a valuable mineral among worthless stones
  - (C) the painstaking assembly of a jigsaw puzzle
  - (D) comparing an apple with an orange
  - (E) the scientific analysis of a chemical compound

Many people **complain about** corporations, but there are also those whose criticism goes further and who hold corporations morally to blame for many of the problems in Western

society. Their criticism is not **reserved** solely for fraudulent or illegal business activities, but extends to the basic corporate practice of making decisions based on what will maximize profits without regard to whether such decisions will contribute to the public good. Others, mainly economists, have responded that this criticism is flawed because it inappropriately applies ethical principles to economic relationships.

It is only by extension that we attribute the quality of morality to corporations, for corporations are not persons. Corporate responsibility is an aggregation of the responsibilities of those persons employed by the corporation when they act **in and on behalf of** the corporation. Some corporations are owner operated, but in many corporations and in most larger ones there is a syndicate of owners to whom the chief executive officer, or CEO, who runs the corporation is said to have a fiduciary obligation.

The economists argue that a CEO's sole responsibility is to the owners, whose primary interest, except in charitable institutions, is the protection of their profits. CEOs are bound, as a condition of their employment, to seek a profit for the owners. But suppose a noncharitable organization is owner operated, or, for some other reason, its CEO is not obligated to maximize profits. The economists' view is that even if such a CEO's purpose is to look to the public good and nothing else, the CEO should still work to maximize profits, because that will turn out best for the public anyway.

But the economists' position does not hold up (to continue in the same condition without failing or losing effectiveness or force "you seem to be holding up under the strain") under careful scrutiny. For one thing, although there are, no doubt, strong underlying dynamics in national and international economies that tend to make the pursuit of corporate interest contribute to the public good, there is no guarantee—either theoretically or in practice—that a given CEO will benefit the public by maximizing corporate profit. It is absurd to deny the possibility, say, of a paper mill legally maximizing its profits over a five-year period by decimating a forest for its wood or polluting a lake with its industrial waste. Furthermore, while obligations such as those of corporate CEOs to corporate owners are binding in a business or legal sense, they are not morally paramount. The CEO could make a case to the owners that certain profitable courses of action should not be taken because they are likely to detract (to diminish the importance, value, or effectiveness of something; often used with from) from the public good. The economic consequences that may befall the CEO for doing so, such as penalty or dismissal, ultimately do not excuse the individual from the responsibility for acting morally.

17. Which one of the following most accurately states the main point of the passage?
- (A) Although CEOs may be legally obligated to maximize their corporations' profits, this obligation does not free them from the moral responsibility of considering the implications of the corporations' actions for the public good.
  - (B) Although morality is not easily ascribed to nonhuman entities, corporations can be said to have an obligation to act morally in the sense that they are made up of individuals who must act morally.
  - (C) Although economists argue that maximizing a corporation's profits is likely to turn out best for the public, a CEO's true obligations is still to seek a profit for the corporation's owners.

- (D) Although some people criticize corporations for making unethical decisions, economists argue that such criticisms are unfounded because ethical considerations cannot be applied to economics.
- (E) Although critics of corporations argue that CEOs ought to consider the public good when making financial decisions, the results of such decisions in fact always benefit the public.
18. The discussion of the paper mill in lines 42-46 is intended primarily to
- (A) offer an actual case of unethical corporate behavior
- (B) refute the contention that maximization of profits necessarily benefits the public
- (C) illustrate that ethical restrictions on corporations would be difficult to enforce
- (D) demonstrate that corporations are responsible for many social ills
- (E) deny that corporations are capable of acting morally
19. With which one of the following would the economists mentioned in the passage be most likely to agree?
- (A) Even CEOs of charitable organizations are obligated to maximize profits.
- (B) CEOs of owner-operated noncharitable corporations should make decisions based primarily on maximizing profits.
- (C) Owner-operated noncharitable corporations are less likely to be profitable than other corporations.
- (D) It is highly unlikely that the actions of any particular CEO will benefit the public.
- (E) CEOs should attempt to maximize profits unless such attempts result in harm to the environment.
20. The conception of morality that underlies the author's argument in the passage is best expressed by which one of the following principles?
- (A) What makes actions morally right is their contribution to the public good.
- (B) An action is morally right if it carries the risk of personal penalty.
- (C) Actions are morally right if they are not fraudulent or illegal.
- (D) It is morally wrong to try to maximize one's personal benefit.
- (E) Actions are not morally wrong unless they harm others.
21. The primary purpose of the passage is to
- (A) illustrate a paradox
- (B) argue for legal reform
- (C) refute a claim
- (D) explain a decision
- (E) define a concept

What it means to "explain" something in science often comes down to the application of

mathematics. Some thinkers hold that mathematics is a kind of language—a systematic contrivance of signs, the criteria for the authority of **which** are internal coherence, elegance, and depth. The application of such a highly artificial system to the physical world, they claim, results in the creation of a kind of statement about the world. Accordingly, what matters in the sciences is finding a mathematical concept that attempts, as other language does, to accurately describe the functioning of some aspect of the world.

At the center of the issue of scientific knowledge can thus be found questions about the relationship between language and what it **refers to**. A discussion about the role played by language in the pursuit of knowledge has been going on among linguists for several decades. The debate centers around whether language corresponds in some essential way to objects and behaviors, making knowledge a solid and reliable **commodity**; or, on the other hand, whether the relationship between language and things is purely a matter of agreed-upon conventions, making knowledge tenuous, relative, and inexact.

Lately the latter theory has been gaining wider acceptance. According to linguists who support this theory, the way language is used varies depending upon changes in accepted practices and theories among those who work in particular discipline. These linguists argue that, in the pursuit of knowledge, a statement is true only when there are no promising alternatives that might lead one to question it. Certainly this characterization would seem to be applicable to the sciences. In science, a mathematical statement may be taken to account for every aspect of a phenomenon it is applied to, but, some would argue, there is nothing inherent in mathematical language that guarantees such a correspondence. Under this view, acceptance of a mathematical statement by the scientific community—by virtue of the statement's predictive power or methodological efficiency—transforms what is basically an analogy or metaphor into an explanation of the physical process in question, to be held as true until another, more compelling analogy takes its place.

In pursuing the implications of this theory, linguists have reached the point at which they must ask: If words or sentences do not correspond in an essential way to life or to our ideas about life, then just what are they capable of telling us about the world? In science and mathematics, then, it would seem equally necessary to ask: If models of electrolytes or  $E=mc^2$ , say, do not correspond essentially to the physical world, then just what functions do they perform in the acquisition of scientific knowledge? But this question has yet to be significantly addressed in the sciences.

22. Which one of the following statements most accurately expresses the passage's main point?
- (A) Although scientists must rely on both language and mathematics in their pursuit of scientific knowledge, each is an imperfect tool for perceiving and interpreting aspects of the physical world.
  - (B) The acquisition of scientific knowledge depends on an agreement among scientists to accept some mathematical statements as more precise than others while acknowledging that all mathematics is inexact.
  - (C) If science is truly to progress, scientists must temporarily abandon the pursuit of new knowledge in favor of a systematic analysis of how the knowledge

- they already possess came to be accepted as true.
- (D) In order to better understand the acquisition of scientific knowledge, scientists must investigate mathematical statements' relationship to the world just as linguists study language's relationship to the world.
- (E) Without the debates among linguists that preceded them, it is unlikely that scientists would ever have begun to explore the essential role played by mathematics in the acquisition of scientific knowledge.
23. Which one of the following statements, if true, lends the most support to the view that language has an essential correspondence to things it describes?
- (A) The categories of physical objects employed by one language correspond remarkably to the categories employed by another language that developed independently of the first.
- (B) The categories of physical objects employed by one language correspond remarkably to the categories employed by another language that derives from the first.
- (C) The categories of physical objects employed by speakers of a language correspond remarkably to the categories employed by other speakers of the same language.
- (D) The sentence structures of languages in scientifically sophisticated societies vary little from language to language.
- (E) Native speakers of many languages believe that the categories of physical objects employed by their language correspond to natural categories of objects in the world.
24. According to the passage, mathematics can be considered a language because it
- (A) conveys meaning in the same way that metaphors do
- (B) constitutes a systematic collection of signs
- (C) corresponds exactly to aspects of physical phenomena
- (D) confers explanatory power on scientific theories
- (E) relies on previously agreed-upon conventions
25. The primary purpose of the third paragraph is to
- (A) offer support for the view of linguists who believe that language has an essential correspondence to things
- (B) elaborate the position of linguists who believe that truth is merely a matter of convention
- (C) illustrate the differences between the essentialist and conventionalist position in the linguists' debate
- (D) demonstrate the similarity of the linguists' debate to a current debate among scientists about the nature of explanation
- (E) explain the theory that mathematical statements are a kind of language

26. Based on the passage, linguists who subscribes to the theory described in lines 21-24 would hold that the statement “the ball is red” is true because
- (A) speakers of English have accepted that “the ball is red” applies to the particular physical relationship being described
  - (B) speakers of English do not accept that synonyms for “ball” and “red” express these concepts as elegantly
  - (C) “The ball is red” corresponds essentially to every aspect of the particular physical relationship being described
  - (D) “ball” and “red” actually refer to an entity and a property respectively
  - (E) “ball” and “red” are mathematical concepts that attempt to accurately describe some particular physical relationship in the world

### **LSAT 26 SECTION IV**

**Time 35 minutes 26 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.*

It has recently been discovered that many attributions of paintings to the seventeenth-century Dutch artist Rembrandt may be false. The contested paintings are not minor works, whose removal from the Rembrandt corpus would leave it relatively unaffected: they are at its very center. In her recent book, Svetlana Alpers uses these cases of disputed attribution as a point of departure for her provocative discussion of the radical distinctiveness of Rembrandt’s approach to painting.

Alpers argues that Rembrandt exercised an unprecedentedly firm control over his art, his students, and the distribution of his works. Despite Gary Schwartz’ brilliant documentation of Rembrandt’s complicated relations with a wide circle of patrons, Alpers takes the view that Rembrandt refused to submit to the prevailing patronage system. He preferred, she claims, to sell his works on the open market and to play the entrepreneur. At a time when Dutch artists were organizing into professional brotherhoods and academies, Rembrandt stood apart. In fact, Alpers’ portrait of Rembrandt shows virtually every aspect of his art pervaded by economic motives. Indeed, so complete was Rembrandt’s involvement with the market, she argues, that he even presented himself as commodity, viewing his studio’s products as extensions of himself, sent out into the world to earn money. Alpers asserts that Rembrandt’s enterprise is found not just in his paintings, but in his refusal to limit his enterprise to those paintings he actually painted. He marketed Rembrandt.

Although there may be some truth in the view that Rembrandt was an entrepreneur who made some aesthetic decisions on the basis of what he knew the market wanted, Alpers’ emphasis on economic factors sacrifices discussions of the aesthetic qualities that make Rembrandt’s work unique. For example, Alpers asserts that Rembrandt deliberately left his works unfinished so as to get more money for their revision and completion. She implies that



Rembrandt actually wished the Council of Amsterdam to refuse the great *Claudius Civilis*, which they had commissioned for their new town hall, and she argues that “he must have calculated that he would be able to get more money by retouching [the] painting.” Certainly the picture is painted with very broad strokes but there is no evidence that it was deliberately left unfinished. The fact is that the look of a work like *Claudius Civilis* must also be understood as the consequence of Rembrandt’s powerful and profound meditations on painting itself. Alpers make no mention of the pictorial dialectic that can be discerned between, say, the lessons Rembrandt absorbed from the Haarlem school of paintings and the styles of his native Leiden. The trouble is that while Rembrandt’s artistic enterprise may indeed not be reducible to the works he himself painted, it is not reducible to marketing practices either.

1. Which one of the following best summarizes the main conclusion of the author of the passage?
  - (A) Rembrandt differed from other artists of his time both in his aesthetic techniques and in his desire to meet the demands of the marketplace.
  - (B) The aesthetic qualities of Rembrandt’s work cannot be understood without consideration of how economic motives pervaded decisions he made about his art.
  - (C) Rembrandt was one of the first artists to develop the notion of a work of art as a commodity that could be sold in an open marketplace.
  - (D) Rembrandt’s artistic achievement cannot be understood solely in terms of decisions he made on the basis of what would sell in the marketplace.
  - (E) Rembrandt was an entrepreneur whose artistic enterprise was not limited to the paintings he actually painted himself.
2. According to the passage, Alpers and Schwartz disagree about which one of the following?
  - (A) the degree of control Rembrandt exercised over the production of his art
  - (B) the role that Rembrandt played in organizing professional brotherhoods and academies
  - (C) the kinds of relationships Rembrandt had with his students
  - (D) the degree of Rembrandt’s involvement in the patronage system
  - (E) the role of the patronage system in seventeenth-century Holland
3. In the third paragraph, the author of the passage discusses aesthetic influences on Rembrandt’s work most probably in order to
  - (A) suggest that many critics have neglected to study the influence of the Haarlem school painters on Rembrandt’s work
  - (B) suggest that *Claudius Civilis* is similar in style to many paintings from the seventeen century
  - (C) suggest that Rembrandt’s style was not affected by the aesthetic influences that Alpers points out
  - (D) argue that Rembrandt’s style can best be understood as a result of the

influences of his native Leiden

(E) indicate that Alpers has not taken into account some important aspects of Rembrandt's work

4. Which one of the following, if true, would provide the most support for Alpers' argument about *Claudius Civilis*?
- (A) Rembrandt was constantly revising his prints and paintings because he was never fully satisfied with stylistic aspects of his earlier drafts.
  - (B) The works of many seventeenth-century Dutch artists were painted with broad strokes and had an unfinished look.
  - (C) Many of Rembrandt's contemporaries eschewed the patronage system and sold their works on the open market.
  - (D) Artists were frequently able to raise the price of a painting if the buyer wanted the work revised in some way.
  - (E) Rembrandt did not allow his students to work on paintings that were commissioned by public officials.
5. It can be inferred that the author of the passage and Alpers would be most likely to agree on which one of the following?
- (A) Rembrandt made certain aesthetic decision on the basis of what he understood about the demands of the marketplace.
  - (B) The Rembrandt corpus will not be affected if attributions of paintings to Rembrandt are found to be false.
  - (C) Stylistic aspects of Rembrandt's painting can be better explained in economic terms than in historical or aesthetic terms.
  - (D) Certain aesthetic aspects of Rembrandt's art are the result of his experimentation with different painting techniques.
  - (E) Most of Rembrandt's best-known works were painted by his students, but were sold under Rembrandt's name.

Medievalists usually distinguish medieval public law from private law: the former was concerned with government and military affairs and the latter with the family, social status, and land transactions. Examination on medieval women's lives shows this distinction to be overly simplistic. Although medieval women were legally excluded from roles that categorized as public, such as soldier, justice, jury member, or professional administrative official, women's control of land—usually considered a private or domestic phenomenon—had important political implications in the feudal system of thirteenth-century England. Since land equaled wealth and wealth equaled power, certain women exercised influence by controlling land. Unlike unmarried women who were legally subject to their guardians or married women who had no legal identity separate from their husbands, women who were widows had autonomy with respect to acquiring or disposing of certain property, suing in court, incurring liability for their own debts, and making wills.

Although feudal lands were normally transferred through primogeniture (the eldest son inheriting all), when no sons survived, the surviving daughters inherited equal shares under

what was known as **partible** inheritance. In addition to controlling any such land inherited from her parents and any bridal dowry—property a woman brought to the marriage from her own family—a widow **was entitled to** use of one-third of her **late** husband's lands. Called "**dower**" in England, this grant had greater legal importance under common law than did the bridal dowry; no marriage was legal unless the groom endowed the bride with this property at the wedding ceremony. In 1215 **Magna Carta** guaranteed a widow's right to claim her dower without paying a fine; this document also strengthened widow's ability to control land by prohibiting forced remarriage. After 1272 women could also benefit from **jointure**: the groom could agree to hold part or all of his lands jointly with the bride, so that if one spouse died, the other received these lands.

Since many widows had inheritances as well as dowers, widows were frequently the financial heads of the family; even though legal theory assumed the maintenance of the principle of primogeniture, the amount of land the widow controlled could exceed that of her son or of other male heirs. Anyone who held feudal land exercised authority over the people attached to the land—knights, rental tenants, and peasants—and had to hire estate administrators, oversee accounts, receive rents, protect tenants from outside encroachment, punish tenants for not paying rents, appoint priests to local parishes, and act as guardians of tenants' children and executors of their wills. Many married women fulfilled these duties as deputies for husbands away at court or at war, but widows could act on their own behalf. Widow's legal independence is suggested by their frequent appearance in thirteenth-century English legal records. Moreover, the scope of their **sway** is indicated by the fact that some controlled not merely single estates, but multiple counties.

6. Which one of the following best expresses the main idea of the passage?
- (A) The traditional view of medieval women as legally excluded from many public offices fails to consider thirteenth-century women in England who were exempted from such restrictions.
  - (B) The economic independence of women in thirteenth-century England was primarily determined not by their marital status, but by their status as heirs to their parents' estates.
  - (C) The laws and customs of the feudal system in thirteenth-century England enabled some women to exercise a certain amount of power despite their legal exclusion from most public roles.
  - (D) During the thirteenth century in England, widows gained greater autonomy and legal rights to their property than they had had in previous centuries.
  - (E) Widows in thirteenth-century England were able to acquire and dispose of lands through a number of different legal processes.
7. With which one of the following statements about the views held by the medievalists mentioned in line 1 would the author of the passage most probably agree?
- (A) The medieval role of landowners was less affected by thirteenth-century changes in law than these medievalists customarily have recognized.
  - (B) The realm of law labeled public by these medievalists ultimately had greater

- political implications than that labeled private.
- (C) The amount of wealth controlled by medieval women was greater than these medievalists have recorded.
- (D) The distinction made by these medievalists between private law and public law fails to consider some of the actual legal cases of the period.
- (E) The distinction made by these medievalists between private and public law fails to address the political importance of control over land in the medieval era.
8. Which one of the following most accurately expresses the meaning of the word “sway” as it is used in line 60 of the passage?
- (A) vacillation
- (B) dominion
- (C) predisposition
- (D) inclination
- (E) mediation
9. Which one of the following most accurately describes the function of the second paragraph of the passage?
- (A) providing examples of specific historical events as support for the conclusion drawn in the third paragraph
- (B) narrating a sequence of events whose outcomes discussed in the third paragraph
- (C) explaining how circumstances described in the first paragraph could have occurred
- (D) describing the effects of an event mentioned in the first paragraph
- (E) evaluating the arguments of a group mentioned in the first paragraph
10. According to information in the passage, a widow in early thirteenth-century England could control more land than did her eldest son if
- (A) the widow had been granted the customary amount of dower land and the eldest son inherited the rest of the land
- (B) the widow had three daughters in addition to her eldest son
- (C) the principle of primogeniture had been applied in transferring the lands owned by the widow’s late husband
- (D) none of the lands held by the widow’s late husband had been placed in jointure
- (E) the combined amount of land the widow had acquired from her own family and from dower was greater than the amount inherited by her son
11. Which one of the following is mentioned in the passage as a reason why a married woman might have fulfilled certain duties associated with holding feudal land in thirteenth-century England?

- (A) the legal statutes set forth by Magna Carta
  - (B) the rights a woman held over her inheritance during her marriage
  - (C) the customary division of duties between husbands and wives
  - (D) the absence of the woman's husband
  - (E) the terms specified by the woman's jointure agreement
12. The phrase "in England" (line 30-31) does which one of the following?
- (A) It suggests that women in other countries also received grants of their husbands' lands.
  - (B) It identifies a particular code of law affecting women who were surviving daughters.
  - (C) It demonstrates that dower had greater legal importance in one European county than in others.
  - (D) It emphasizes that women in one European country had more means of controlling property than did women in other European countries.
  - (E) It traces a legal term back to the time at which it entered the language.
13. The primary purpose of the passage is to
- (A) explain a legal controversy of the past in light of modern theory
  - (B) evaluate the economic and legal status of a particular historical group
  - (C) resolve a scholarly debate about legal history
  - (D) trace the historical origins of a modern economic situation
  - (E) provide new evidence about a historical event

The debate over the environment crisis is not new: anxiety about industry's impact on the environment has existed for over a century. What is new is the extreme polarization of views. Mounting evidence of humanity's capacity to damage the environment irreversibly coupled with suspicions that government, industry, and even science might be impotent to prevent environmental destruction have provoked accusatory polemics on the part of environmentalists. In turn, these polemics have elicited a corresponding **backlash** from industry. The sad effect of this polarization is that it is now even more difficult for industry than it was a hundred years ago to respond appropriately to impact analyses that demand action.

Unlike today's adversaries, earlier ecological reformers shared with advocates of industrial growth a confidence in timely corrective action. George P. Marsh's pioneering conservation tract *Man and Nature* (1864) elicited wide acclaim without embittered denials. *Man and Nature* castigated Earth's despoilers for heedless greed, declaring that humanity "has brought the face of the Earth to a desolation almost as complete as that of the Moon." But no entrepreneur of industrialists sought to refute Marsh's accusations, to defend the **gutting** of forests or the slaughter of wildlife as economically essential, or to dismiss his ecological warnings as hysterical. To the contrary, they generally agreed with him.

Why? Marsh and his followers took environmental improvement and economic progress as givens: they disputed not the desirability of conquering nature but the bungling way in which the conquest was carried out. Blame was not **personalized**, Marsh denounced general greed

rather than particular entrepreneurs, and the media did not hound malefactors. Further, corrective measures seemed to entail no sacrifice, to demand no draconian remedies. Self-interest underwrote most prescribed reforms. Marsh's emphasis on future stewardship was then a widely accepted ideal (if not practice). His ecological admonitions were in keeping with the Enlightenment premise that humanity's mission was to subdue and transform nature.

Not until the 1960s did a gloomier perspective gain popular ground. Fredric Clements' equilibrium model of ecology, developed in the 1930s, seemed consistent with mounting environmental disasters. In this view, nature was most fruitful when least altered. Left undisturbed, flora and fauna gradually attained maximum diversity and stability. Despoliation thwarted the culmination or shortened the duration of this beneficent climax: technology did not improve nature but destroyed it.

The equilibrium model became an ecological mystique: environmental interference was now taboo, wilderness adored. Nature as unfinished fabric perfected by human ingenuity gave way to the image nature debased and endangered by technology. In contrast to the Enlightenment vision of nature, according to which rational managers construct an ever more improved environment, twentieth-century reformers' vision of nature calls for a reduction of human interference in order to restore environmental stability.

14. Which one of the following most accurately states the main idea of the passage?
- (A) Mounting evidence of humanity's capacity to damage the environment should motivate action to prevent further damage.
  - (B) The ecological mystique identified with Frederic Clements has become a religious conviction among ecological reformers.
  - (C) George P. Marsh's ideas about conservation and stewardship have heavily influenced the present debate over the environment.
  - (D) The views of ecologists and industrial growth advocates concerning the environment have only recently become polarized.
  - (E) General greed, rather than particular individuals or industries, should be blamed for the environmental crisis.
15. The author refers to the equilibrium model of ecology as an "ecological mystique" (lines 54-55) most likely in order to do which one of the following?
- (A) underscore the fervor with which twentieth-century reformers adhere to the equilibrium model
  - (B) point out that the equilibrium model of ecology has recently been supported by empirical scientific research
  - (C) express appreciation for how plants and animals attain maximum diversity and stability when left alone
  - (D) indicate that the idea of twentieth-century ecological reformers are often so theoretical as to be difficult to understand
  - (E) indicate how widespread support is for the equilibrium model of ecology in the scientific community



16. Which one of the following practices is most clearly an application of Frederic Clements' equilibrium model of ecology?
- (A) introducing a species into an environment to which it is not help control the spread of another species that no longer has any natural predators
  - (B) developing incentives for industries to take corrective measures to protect the environment
  - (C) using scientific methods to increase the stability of plants and animals in areas where species are in danger of becoming extinct
  - (D) using technology to develop plant and animal resources but balancing that development with stringent restrictions on technology
  - (E) setting areas of land aside to be maintained as wilderness from which the use of extraction of natural resources is prohibited
17. The passage suggests that George P. Marsh and today's ecological reformers would be most likely to agree with which one of the following statements?
- (A) Regulating industries in order to protect the environment does not conflict with the self interest of those industries.
  - (B) Solving the environmental crisis does not require drastic and costly remedies.
  - (C) Human despoliation of the Earth has caused widespread environmental damage.
  - (D) Environmental improvement and economic progress are equally important goals.
  - (E) Rather than blaming specific industries, general greed should be denounced as the cause of environmental destruction.
18. The passage is primarily concerned with which one of the following?
- (A) providing examples of possible solutions to a current crisis
  - (B) explaining how conflicting viewpoints in a current debate are equally valid
  - (C) determining which of two conflicting viewpoints in a current debate is more persuasive
  - (D) outlining the background and development of conflicting viewpoints in a current debate
  - (E) demonstrating weaknesses in the arguments made by one side in a current debate

Recently the focus of historical studies of different ethnic groups in the United States has shifted from the transformation of ethnic identity to its preservation. Whereas earlier historians argued that the ethnic identity of various immigrant groups to the United States blended to form an American **national character**, the new scholarship has focused on the transplantation of ethnic cultures to the United States. Fugita and O'Brien's *Japanese American Ethnicity* provides an example of this recent trend; it also exemplifies a problem that is common to such scholarship.

In comparing the first three generations of Japanese Americans (the Issei, Nisei, and Sansei), Fugita and O'Brien conclude that assimilation to United States culture increased among Japanese Americans over three generations, but that a sense of ethnic community endured. Although the persistence of community is stressed by the authors, their emphasis in the book could just as easily have been on the high degree of assimilation of the Japanese American population in the late twentieth century, which Fugita and O'Brien believe is demonstrated by the high levels of education, income, and occupational mobility achieved by Japanese Americans. In addition, their data reveal that the character of the ethnic community itself changed: the integration of Sanseis into new professional communities and nonethnic voluntary associations meant **at the very least** that ethnic ties had to accommodate multiple and layered identities. Fugita and O'Brien themselves acknowledge that there has been a "weakening of Japanese American ethnic community life."

Because of the social changes weakening the bonds of community, Fugita and O'Brien maintain that the community cohesion of Japanese Americans is notable not for its initial intensity but because "there remains a degree of involvement in the ethnic community surpassing that found in most other ethnic groups at similar points in their ethnic group life cycle." This comparative difference is important to Fugita and O'Brien, and they hypothesize that the Japanese American community persisted in the face of assimilation because of a particularly strong preexisting sense of "**peoplehood**". They argue that this sense of peoplehood extended beyond local and family ties.

Fugita and O'Brien have explained persistence of ethnic community by citing a preexisting sense of national consciousness that is independent of how a group adapts to United States culture. However, it is difficult to prove as Fugita and O'Brien have attempted to do that a sense of peoplehood is a distinct phenomenon. Historians should instead attempt to identify directly the factors that sustain community cohesion in generations that have adapted to United States culture and been exposed to the **pluralism** of American life.

19. Which one of the following best summarizes the main point of the author of the passage?
- (A) Fugita and O'Brien's study provides a comparison of the degree of involvement in ethnic community of different groups in the United States.
  - (B) Fugita and O'Brien's study describes the assimilation of three generations of Japanese Americans to United States culture.
  - (C) Fugita and O'Brien's study illustrates both a recent trend in historical studies of ethnic groups and a problem typical of that trend.
  - (D) Historical studies of ethnic preservation among Japanese Americans have done much to define the interpretive frameworks for studies of other ethnic groups.
  - (E) Historical studies are more concerned with the recent development of ethnic communities in the United States than with the process of adaptation to United States culture.
20. According to the passage, Fugita and O'Brien's data indicate which one of the following about the Japanese American ethnic community?

- (A) Community bonds have weakened primarily as a result of occupational mobility by Japanese Americans.
  - (B) The community is notable because it has accommodated multiple and layered identities without losing its traditional intensity.
  - (C) Community cohesion is similar in intensity to the community cohesion of other ethnic groups that have been in the United States for the same period of time.
  - (D) Community involvement weakened during the second generation, but strengthened as the third generation regained an interest in cultural traditions.
  - (E) The nature of the community has been altered by Japanese American participation in new professional communities and nonethnic voluntary associations.
21. Which one of the following provides an example of a research study that has conclusion most analogous to that argued for by the historians mentioned in line 4?
- (A) a study showing how musical forms brought from other countries have persisted in the United States
  - (B) a study showing the organization and function of ethnic associations in the United States
  - (C) a study showing how architectural styles brought from other countries have merged to form an American style
  - (D) a study showing how cultural traditions have been preserved for generations in American ethnic neighborhoods
  - (E) a study showing how different religious practices brought from other countries have been sustained in the United States
22. According to the passage, which one of the following is true about the focus of historical studies on ethnic groups in the United States?
- (A) Current studies are similar to earlier studies in claiming that a sense of peoplehood helps preserve ethnic community.
  - (B) Current studies have clearly identified factors that sustain ethnic community in generations that have been exposed to the pluralism of American life.
  - (C) Current studies examine the cultural practices that make up the American national character.
  - (D) Earlier studies focused on how ethnic identities became transformed in the United States.
  - (E) Earlier studies focused on the factors that led people to immigrate to the United States.
23. The author of the passage quotes Fugita and O'Brien in lines 36-39 most probably in order to

- (A) point out a weakness in their hypothesis about the strength of community ties among Japanese Americans
  - (B) show how they support their claim about the notability of community cohesion for Japanese Americans
  - (C) indicate how they demonstrate the high degree of adaptation of Japanese Americans to United States culture
  - (D) suggest that they have inaccurately compared Japanese Americans to other ethnic groups in the United States
  - (E) emphasize their contention that the Japanese American sense of peoplehood extended beyond local and family ties
24. The passage suggests that the author would be most likely to describe the hypothesis mentioned in line 47 as
- (A) highly persuasive
  - (B) original but poorly developed
  - (C) difficult to substantiate
  - (D) illogical and uninteresting
  - (E) too similar to earlier theories
25. The passage suggests which one of the following about the historians mentioned in line 49?
- (A) They have been unable to provide satisfactory explanations for the persistence of European ethnic communities in the United States.
  - (B) They have suggested that European cultural practices have survived although the community ties of European ethnic groups have weakened.
  - (C) They have hypothesized that European ethnic communities are based on family ties rather than on a sense of national consciousness.
  - (D) They have argued that European cultural traditions have been transformed in the United States because of the pluralism of American life.
  - (E) They have claimed that the community ties of European Americans are still as strong as they were when the immigrants first arrived.
26. As their views are discussed in the passage, Fugita and O'Brien would be most likely to agree with which one of the following?
- (A) The community cohesion of an ethnic group is not affected by the length of time it has been in the United States.
  - (B) An ethnic group in the United States can have a high degree of adaptation to United States culture and still sustain strong community ties.
  - (C) The strength of an ethnic community in the United States is primarily dependent on the strength of local and family ties.
  - (D) High levels of education and occupational mobility necessarily erode the community cohesion of an ethnic group in the United States.

- (E) It has become increasingly difficult for ethnic groups to sustain any sense of ethnic identity in the pluralism of United States life.

### **LSAT 27 SECTION I**

**Time 35 minutes 26 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.*

Most office workers assume that the messages they send to each other via electronic mail are as private as a telephone call or a face-to-face meeting. That assumption is wrong. Although it is illegal in many areas for an employer to eavesdrop on private conversations or telephone calls—even if they take place on a company-owned telephone—there are no clear rules governing electronic mail. In fact, the question of how private electronic mail transmissions should be has emerged as one of the more complicated legal issues of the electronic age.

People's opinions about the degree of privacy that electronic mail should have vary depending on whose electronic mail system is being used and who is reading the messages. Does a government office, for example, have the right to destroy electronic messages created in the course of running the government, thereby denying public access to such documents? Some hold that government offices should issue guidelines that allow their staff to delete such electronic records, and defend this practice by claiming that the messages thus deleted already exist in paper versions whose destruction is forbidden. Opponents of such practices argue that the paper versions often omit such information as who received the messages and when they received them, information commonly carried on electronic mail systems. Government officials, opponents maintain, are civil servants; the public should thus have the right to review any documents created during the conducting of government business.

Questions about electronic mail privacy have also arisen in the private sector. Recently, two employees of an automotive company were discovered to have been communicating disparaging information about their supervisor via electronic mail. The supervisor, who had been monitoring the communication, threatened to fire the employees. When the employees filed a grievance complaining that their privacy had been violated, they were let go. Later, their court case for unlawful termination was dismissed; the company's lawyers successfully argued that because the company owned the computer system, its supervisors had the right to read anything created on it.

In some areas, laws prohibit outside interception of electronic mail by a third party without proper authorization such as a search warrant. However, these laws do not cover "inside" interception such as occurred at the automotive company. In the past, courts have ruled that interoffice communications may be considered private only if employees have a "reasonable expectation" of privacy when they send the messages. The fact is that no absolute guarantee of privacy exists in any computer system. The only solution may be for users to scramble their own messages with encryption codes; unfortunately, such complex codes are likely to

undermine the principal virtue of electronic mail: its convenience.

1. Which one of the following statements most accurately summarizes the main point of the passage?
  - (A) Until the legal questions surrounding the privacy of electronic mail in both the public and private sectors have been resolved, office workers will need to scramble their electronic mail messages with encryption codes.
  - (B) The legal questions surrounding the privacy of electronic mail in the workplace can best be resolved by treating such communications as if they were as private as telephone conversations or face-to-face meetings.
  - (C) Any attempt to resolve the legal questions surrounding the privacy of electronic mail in the workplace must take into account the essential difference between public-sector and private sector business.
  - (D) At present, in both the public and private sectors, there seem to be no clear general answers to the legal questions surrounding the privacy of electronic mail in the workplace.
  - (E) The legal questions surrounding the privacy of electronic mail in the workplace of electronic mail in the workplace can best be resolved by allowing supervisors in public-sector but not private-sector offices to monitor their employees' communications.
2. According to the passage, which one of the following best expresses the reason some people use to oppose the deletion of electronic mail records at government offices?
  - (A) Such deletion reveals the extent of government's unhealthy obsession with secrecy.
  - (B) Such deletion runs counter to the notion of government's accountability to its constituency.
  - (C) Such deletion clearly violates the legal requirement that government offices keep duplicate copies of all their transactions.
  - (D) Such deletion violates the government's own guidelines against destruction of electronic records.
  - (E) Such deletion harms relations between government employees and their supervisors.
3. Which one of the following most accurately states the organization of the passage?
  - (A) A problem is introduced, followed by specific examples illustrating the problem: a possible solution is suggested, followed by an acknowledgment of its shortcomings.
  - (B) A problem is introduced, followed by explications of two possible solutions to the problem: the first solution is preferred to the second, and reasons are given for why it is the better alternative.



- (C) A problem is introduced, followed by analysis of the historical circumstances that helped bring the problem about a possible solution is offered and rejected as being only a partial remedy.
- (D) A problem is introduced, followed by enumeration of various questions that need to be answered before a solution can be found: one possible solution is proposed and argued for.
- (E) A problem is introduced, followed by descriptions of two contrasting approaches to thinking about the problem: the second approach is preferred to the first, and reasons are given for why it is more likely to yield a successful solution.
4. Based on the passage, the author's attitude towards interception of electronic mail can most accurately be described as:
- (A) outright disapproval of the practice
- (B) support for employers who engage in it
- (C) support for employees who lose their jobs because of it
- (D) intellectual interest in its legal issues
- (E) cynicism about the motives behind the practice
5. It can be inferred from the passage that the author would most likely hold which one of the following opinions about an encryption system that could encode and decode electronic mail messages with a single keystroke?
- (A) It would be an unreasonable burden on a company's ability to monitor electronic mail created by its employees.
- (B) It would significantly reduce the difficulty of attempting to safeguard the privacy of electronic mail.
- (C) It would create substantial legal complications for companies trying to prevent employees from revealing trade secrets to competitors.
- (D) It would guarantee only a minimal level of employee privacy, and so would not be worth the cost involved in installing such a system.
- (E) It would require a change in the legal definition of "reasonable expectation of privacy" as it applies to employer-employee relations.
6. Given the information in the passage, which one of the following hypothetical events is LEAST likely to occur?
- (A) A court rules that a government office's practice of deleting its electronic mail is not in the public's best interests.
- (B) A private-sector employer is found liable for wiretapping an office telephone conversation in which two employees exchanged disparaging information about their supervisor.
- (C) A court upholds the right of a government office to destroy both paper and electronic versions of its in-house documents.
- (D) A court upholds a private-sector employer's right to monitor messages sent

between employees over the company's in-house electronic mail system.

- (E) A court rules in favor of a private-sector employee whose supervisor stated that in-house electronic mail would not be monitored but later fired the employee for communicating disparaging information via electronic mail.

7. The author's primary purpose in writing the passage is to

- (A) demonstrate that the individual right to privacy has been eroded by advances in computer technology
- (B) compare the legal status of electronic mail in the public and private sectors
- (C) draw an extended analogy between the privacy of electronic mail and the privacy of telephone conversations or face-to-face meeting
- (D) illustrate the complexities of the privacy issues surrounding electronic mail in the workplace
- (E) explain why the courts have not been able to rule definitively on the issue of the privacy of electronic mail

While a new surge of critical interest in the ancient Greek poems conventionally ascribed to Homer has taken place in the last twenty years or so, it was nonspecialists rather than professional scholars who studied the poetic aspects of the *Iliad* and the *Odyssey* between, roughly, 1935 and 1970. During these years, while such nonacademic intellectuals as Simone Weil and Erich Auerbach were trying to define the qualities that made these epic accounts of the Trojan War and its aftermath great poetry, the questions that occupied the specialists were directed elsewhere: "Did the Trojan War really happen?" "Does the bard preserve Indo-European folk memories?" "How did the poems get written down?" Something was driving scholars away from the actual works to peripheral issues. Scholars produced books about archaeology, about gift-exchange in ancient societies, about the development of oral poetry, about virtually anything except the *Iliad* and the *Odyssey* themselves as unique reflections or distillations of life itself—as, in short, great poetry. The observations of the English poet Alexander Pope seemed as applicable in 1970 as they had been when he wrote them in 1715: according to Pope, the remarks of critics "are rather Philosophical, Historical, Geographic...or rather anything than Critical and Poetical."

Ironically, the modern manifestation of this "nonpoetical" emphasis can be traced to the profoundly influential work of Milman Parry, who attempted to demonstrate in detail how the Homeric poems, believed to have been recorded nearly three thousand years ago, were the products of a long and highly developed tradition of oral poetry about the Trojan War. Parry proposed that this tradition built up its diction and its content by a process of constant accumulation and refinement over many generations of storytellers. But after Parry's death in 1935, his legacy was taken up by scholars who, unlike Parry, forsook intensive analysis of the poetry itself and focused instead on only one element of Parry's work: the creative limitations and possibilities of oral composition, concerning on fixed elements and inflexibilities, focusing on the things that oral poetry allegedly can and cannot do. The dryness of this kind of study drove many of the more inventive scholars away from the poems into the rapidly developing field of Homer's archaeological and historical background.

Appropriately, Milman Parry's son Adam was among those scholars responsible for a

renewed interest in Homer's poetry as literary art. Building on his father's work, the younger Parry argued that the Homeric poems exist both within and against a tradition. The *Iliad* and the *Odyssey* were, Adam Parry thought, the beneficiaries of an inherited store of diction, scenes, and at the same time highly individual works that surpasses these conventions. Adam Parry helped prepare the ground for the recent Homeric revival by affirming his father's belief in a strong inherited tradition, but also by emphasizing Homer's unique contributions within that tradition.

8. Which one of the following best states the main idea of the passage?
- (A) The Homeric poems are most fruitfully studied as records of the time and place in which they were written.
  - (B) The Homeric poems are the products of a highly developed and complicated tradition of oral poetry.
  - (C) The Homeric poems are currently enjoying a resurgence of critical interest after an age of scholarship largely devoted to the poems' nonpoetic elements.
  - (D) The Homeric poems are currently enjoying a resurgence of scholarly interest after an age during which most studies were authored by nonacademic writers.
  - (E) Before Milman Parry published his pioneering work in the early twentieth century, it was difficult to assign a date or an author to the Homeric poems.
9. According to the passage, the work of Simone Weil and Erich Auerbach on Homer was primarily concerned with which one of the following?
- (A) considerations of why criticism of Homer had moved to peripheral issues
  - (B) analyses of the poetry itself in terms of its literary qualities
  - (C) studies in the history and nature of oral poetry
  - (D) analyses of the already ancient epic tradition inherited by Homer
  - (E) critiques of the highly technical analyses of academic critics
10. The passage suggests which one of the following about scholarship on Homer that has appeared since 1970?
- (A) It has dealt extensively with the Homeric poems as literary art.
  - (B) It is more incisive than the work of the Parrys.
  - (C) It has rejected as irrelevant the scholarship produced by specialists between 1935 and 1970.
  - (D) It has ignored the work of Simone Weil and Erich Auerbach.
  - (E) It has attempted to confirm that the *Iliad* and the *Odyssey* were written by Homer.
11. The author of the passage most probably quotes Alexander Pope (lines 24-26) in order to
- (A) indicate that the Homeric poems have generally received poor treatment at the hands of English critics

- (B) prove that poets as well as critics have emphasized elements peripheral to the poems
  - (C) illustrate that the nonpoetical emphasis also existed in an earlier century
  - (D) emphasize the problems inherent in rendering classical Greek poetry into modern English
  - (E) argue that poets and literary critics have seldom agreed the interpretation of poetry
12. According to the passage, which one of the following is true of Milman Parry's immediate successors in the field of Homeric studies?
- (A) They reconciled Homer's poetry with archaeological and historical concerns.
  - (B) They acknowledged the tradition of oral poetry, but focused on the uniqueness of Homer's poetry within the tradition.
  - (C) They occupied themselves with the question of what qualities made for great poetry.
  - (D) They emphasized the boundaries of oral poetry.
  - (E) They called for a revival of Homer's popularity.
13. Which one of the following best describes the organization of the passage?
- (A) A situation is identified and its origins are examined.
  - (B) A series of hypotheses is reviewed and one is advocated.
  - (C) The works of two influential scholars are summarized.
  - (D) Several issues contributing to a currently debate are summarized.
  - (E) Three possible solutions to a long-standing problem are posed.

Even in the midst of its resurgence as a vital tradition, many sociologists have viewed the current form of the powwow, a ceremonial gathering of native Americans, as a sign that tribal culture is in decline. Focusing on the dances and rituals that have recently come to be shared by most tribes, they suggest that an intertribal movement is now in ascension and claim the inevitable outcome of this tendency is the eventual dissolution of tribes and the complete assimilation of native Americans into Euroamerican society. Proponents of this "Pan-Indian" theory point to the greater frequency of travel and communication between reservations, the greater urbanization of native Americans, and, most recently, their increasing politicization in response to common grievances as the chief causes of the shift toward intertribalism.

Indeed, the rapid diffusion of dance styles, outfits, and songs from one reservation to another offers compelling evidence that intertribalism has been increasing. However, these sociologists have failed to note the concurrent revitalization of many traditions unique to individual tribes. Among the Lakota, for instance, the Sun Dance was revived, after a forty-year hiatus, during the 1950s. Similarly, the Black Legging Society of the Kiowa and the Hethuska Society of the Ponca—both traditional groups within their respective tribes—have gained new popularity. Obviously, a more complex societal shift is taking place than the theory of Pan-Indianism can account for.

An examination of the theory's underpinnings may be critical at this point, especially given

that native Americans themselves **chafe** most against the Pan-Indian classification. Like other assimilationist theories with which it is associated, the Pan-Indian view is predicated upon an **a priori** assumption about the nature of cultural contact: that upon contact minority societies immediately begin to **succumb in every respect**—biologically, linguistically, and culturally—to the majority society. However, there is no evidence that this is happening to native American groups.

Yet the fact remains that intertribal activities are a major facet of native American cultural today. Certain dances at powwows, for instance, are announced as intertribal, others as traditional. Likewise, speeches given at the beginnings of powwows are often delivered in English, while the prayer that follows is usually spoken in a native language. Cultural borrowing is, of course, old news. What is important to note is the conscious distinction native Americans make between tribal and intertribal tendencies.

Tribalism, although greatly altered by modern history, remains a potent force among native Americans. It forms a basis for tribal identity, and aligns music and dance with other social and cultural activities important to individual tribes. Intertribal activities, on the other hand, reinforce native American identity along a broader front, where this identity is directly threatened by outside influences.

14. Which one of the following best summarizes the main idea of the passage?
- (A) Despite the fact that sociologists have only recently begun to understand its importance, intertribalism has always been an influential factor in native American culture.
  - (B) Native Americans are currently struggling with an identity crisis caused primarily by the two competing forces of tribalism and intertribalism.
  - (C) The recent growth of intertribalism is unlikely to eliminate tribalism because the two forces do not oppose one another but instead reinforce distinct elements of native American interact with the broader community around them.
  - (D) The tendency toward intertribalism, although prevalent within native American culture, has had a minimal effect on the way native Americans interact with the broader community around them.
  - (E) Despite the recent revival of many native American tribal traditions, the recent trend toward intertribalism is likely to erode cultural differences among the various native American tribes.
15. The author most likely states that “cultural borrowing is of course, old news” (line 47-48) primarily to
- (A) acknowledge that in itself the existence of intertribal tendencies at powwows is unsurprising
  - (B) suggest that native Americans’ use of English in powwows should be accepted as unavoidable
  - (C) argue that the deliberate distinction of intertribal and traditional dances is not a recent development

- (D) suggest that the recent increase in intertribal activity is the result of native Americans borrowing from non-native Americans
  - (E) indicate that the powwow itself could have originated by combining practices drawn from both native and non-native American cultures
16. The author of the passage would most likely agree with which one of the following assertions?
- (A) Though some believe the current form of the powwow signals the decline of tribal culture, the powwow contains elements that indicate the continuing strength of tribalism.
  - (B) The logical outcome of the recent increase in intertribal activity is the eventual disappearance of tribal culture.
  - (C) Native Americans who participate in both tribal and intertribal activities usually base their identities on intertribal rather than tribal affiliations.
  - (D) The conclusions of some sociologists about the health of native American cultures show that these sociologists are in fact biased against such cultures.
  - (E) Until it is balanced by revitalization of tribal customs, intertribalism will continue to weaken the native American sense of identity.
17. The primary function of the third paragraph is to
- (A) search for evidence to corroborate the basic assumption of the theory of Pan-Indianism
  - (B) demonstrate the incorrectness of the theory of Pan-Indianism by pointing out that native American groups themselves disagree with the theory
  - (C) explain the origin of the theory of Pan-Indianism by showing how it evolved from other assimilationist theories
  - (D) examine several assimilationist theories in order to demonstrate that they rest on a common assumption
  - (E) criticize the theory of Pan-Indianism by pointing out that it rests upon an assumption for which there is no supporting evidence
18. Which one of the following most accurately describes the author's attitude towards the theory of Pan-Indianism?
- (A) critical of its tendency to attribute political motives to cultural practices
  - (B) discomfort at its negative characterization of cultural borrowing by native Americans
  - (C) hopeful about its chance for preserving tribal culture
  - (D) offended by its claim that assimilation is a desirable consequence of cultural contact
  - (E) skeptical that it is a complete explanation of recent changes in native American society
19. With which one of the following statements would the author of the passage be



most likely to agree? (Intertribal activities, on the other hand, reinforce native American identity along a broader front, where this identity is directly threatened by outside influences.)

- (A) The resurgence of the powwow is a sign that native American customs are beginning to have an important influence on Euroamerican society.
  - (B) Although native Americans draw conscious distinctions between tribal and intertribal activities, there is no difference in how the two types of activity actually function within the context of native American society.
  - (C) Without intertribal activities, it would be more difficult for native Americans to maintain the cultural differences between native American and Euroamerican society.
  - (D) The powwow was recently revived, after an extended hiatus, in order to strengthen native Americans' sense of ethnic identity.
  - (E) The degree of urbanization, intertribal communication, and politicization among native Americans has been exaggerated by proponents of the theory of Pan-Indianism.
20. Which one of the following situations most clearly illustrates the phenomenon of intertribalism, as that phenomenon is described in the passage?
- (A) a native American tribe in which a number of powerful societies attempt to prevent the revival of a traditional dance
  - (B) a native American tribe whose members attempt to learn the native languages of several other tribes
  - (C) a native American tribe whose members attempt to form a political organization in order to redress several grievances important to that tribe
  - (D) a native American tribe in which a significant percentage of the members have forsake their tribal identity and become assimilated into Euroamerican society
  - (E) a native American tribe whose members often travel to other parts of the reservation in order to visit friends and relatives
21. In the passage, the author is primarily concerned with doing which one of the following?
- (A) identifying an assumption common to various assimilationist theories and then criticizing these theories by showing this assumption to be false
  - (B) arguing that the recent revival of a number of tribal practices shows sociologists are mistaken in believing intertribalism to be a potent force among native American societies
  - (C) questioning the belief that native American societies will eventually be assimilated into Euroamerican society by arguing that intertribalism helps strengthen native American identity
  - (D) showing how the recent resurgence of tribal activities is a deliberate attempt to counteract the growing influence of intertribalism

- (E) proposing an explanation of why the ascension of intertribalism could result in the eventual dissolution of tribes and complete assimilation of native American into Euroamerican society

Scientists typically advocate the analytic method of studying complex systems: systems are divided into component parts that are investigated separately. But nineteenth-century critics of this method claimed that when a system's parts are isolated its complexity tends to be lost. To address the perceived weakness of the analytic method these critics put forward a concept called organicism, which posited that the whole determines the nature of its parts and that the parts of a whole are interdependent.

Organicism depended upon the theory of internal relations, which states that relations between entities are possible only within some whole that embraces them, and that entities are altered by the relationships into which they enter. If an entity stands in a relationship with another entity, it has some property as a consequence. Without this relationship, and hence without the property, the entity would be different—and so would be another entity. Thus, the property is one of the entity's defining characteristics. Each of an entity's relationships likewise determines a defining characteristic of the entity.

One problem with the theory of internal relations is that not all properties of an entity are defining characteristics: numerous properties are accompanying characteristics—even if they are always present, their presence does not influence the entity's identity. Thus, even if it is admitted that every relationship into which an entity enters determines some characteristic of the entity, it is not necessarily true that such characteristics will define the entity; it is possible for the entity to enter into a relationship yet remain essentially unchanged.

The ultimate difficulty with the theory of internal relations is that it renders the acquisition of knowledge impossible. To truly know an entity, we must know all of its relationships; but because the entity is related to everything in each whole of which it is a part, these wholes must be known completely before the entity can be known. This seems to be a prerequisite impossible to satisfy.

Organicists' criticism of the analytic method arose from their failure to fully comprehend the method. In rejecting the analytic method, organicists overlooked the fact that before the proponents of the method analyzed the component parts of a system, they first determined both the laws applicable to the whole system and the initial conditions of the system; proponents of the method thus did not study parts of a system in full isolation from the system as a whole. Since organicists failed to recognize this, they never advanced any argument to show that laws and initial conditions of complex systems cannot be discovered. Hence, organicists offered no valid reason for rejecting the analytic method or for adopting organicism as a replacement for it.

22. Which one of the following most completely and accurately summarizes the argument of the passage?
- (A) By calling into question the possibility that complex systems can be studied in their entirety, organicists offered an alternative to the analytic method favored by nineteenth-century scientists.
- (B) Organicists did not offer a useful method of studying complex systems

- because they did not acknowledge that there are relationship into which an entity may enter that do not alter the entity's identity.
- (C) Organicism is flawed because it relies on a theory that both ignores the fact that not all characteristics of entities are defining and ultimately makes the acquisition of knowledge impossible.
- (D) Organicism does not offer a valid challenge to the analytic method both because it relies on faulty theory and because it is based on a misrepresentation of the analytic method.
- (E) In criticizing the analytic method, organicists neglected to disprove that scientists who employ the method are able to discover the laws and initial conditions of the systems they study.
23. According to the passage, organicists' chief objection to the analytic method was that the method
- (A) oversimplified systems by isolating their components
- (B) assumed that a system can be divided into component parts
- (C) ignored the laws applicable to the system as a whole
- (D) claimed that the parts of a system are more important than the system as a whole
- (E) denied the claim that entities enter into relationships
24. The passage offers information to help answer each of the following questions EXCEPT:
- (A) Why does the theory of internal relations appear to make the acquisition of knowledge impossible?
- (B) Why did the organicists propose replacing the analytic method?
- (C) What is the difference between a defining characteristic and an accompanying characteristic?
- (D) What did organicists claim are the effects of an entity entering into a relationship with another entity?
- (E) What are some of the advantages of separating out the parts of a system for study?
25. The passage most strongly supports the ascription of which one of the following views to scientists who use the analytic method?
- (A) A complex system is best understood by studying its component parts in full isolation from the system as a whole.
- (B) The parts of a system should be studied with an awareness of the laws and initial conditions that govern the system.
- (C) It is not possible to determine the laws governing a system until the system's parts are separated from one another.
- (D) Because the parts of a system are interdependent, they cannot be studied

- separately without destroying the system's complexity.
- (E) Studying the parts of a system individually eliminate the need to determine which characteristics of the parts are defining characteristics.
26. Which one of the following is a principle upon which the author bases an argument against the theory of the internal relations?
- (A) An adequate theory of complex systems must define the entities of which the system is composed.
- (B) An acceptable theory cannot have consequences that contradict its basic purpose.
- (C) An adequate method of study of complex systems should reveal the actual complexity of the system it studies.
- (D) An acceptable theory must describe the laws and initial conditions of a complex system.
- (E) An acceptable method of studying complex systems should not study parts of the system in isolation from the system as a whole.

### **LSAT 28 SECTION IV**

**Time 35 minutes 27 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.*

Opponents of compulsory **national service** claim that such a program is not **in keeping with** the liberal principles upon which Western democracies are founded. This reasoning is reminiscent of the argument that a tax on one's income is undemocratic because it violates one's right to property. Such conceptions of the liberal state fail to take into account the intricate character of the social agreement that undergirds our liberties. It is only in the context of a community that the notion of individual rights has any application; individual rights are meant to define the limits of people's actions with respect to other people. Implicit in such a context is the concept of shared sacrifice. Were no taxes paid, there could be no law enforcement, and the enforcement of law is of benefit to everyone in society. Thus, each of us must bear a share of the burden to ensure that the community is protected.

The responsibility to defend one's nation against outside aggression is surely no less than the responsibility to help pay for law enforcement within the nation. Therefore, the state is certainly within its rights to compel citizens to perform national service when it is needed for the benefit of society.

It might be objected that the cases of taxation and national service are not analogous: While taxation must be coerced, the military is quite able to find recruits without resorting to **conscription**. Furthermore, proponents of national service do not limit its scope to only those duties absolutely necessary to the defense of the nation. Therefore, it may be contended, compulsory national service oversteps the acceptable boundaries of governmental interference

in the lives of its citizens.

By responding thus, the opponent of **national service** has already **allowed** that it is a right of government to demand service when it is needed. But what is the true scope of the term “need”? If it is granted, say, that present tax policies are legitimate intrusions on the right to property, then it must also be granted that need involves more than just what is necessary for a sound national defense. Even the most conservative of politicians admits that tax money is rightly spent on programs that, while not necessary for the survival of the state, are nevertheless of great benefit to society. Can the opponent of national service truly claim that activities of the military such as quelling civil disorders, rebuilding dams and bridges, or assisting the victims of natural disasters—all extraneous to the defense of society against outside aggression—do not provide a similar benefit to the nation? Upon reflection, opponents of national service must concede that such a broadened conception of what is necessary is in keeping with the ideas of shared sacrifice and community benefit that are essential to the functioning of a liberal democratic state.

1. Which one of the following most accurately describes the author’s attitude toward the relationship between citizenship and individual rights in a democracy?
  - (A) confidence that individual rights are citizens’ most important guarantees of personal freedom
  - (B) satisfaction at how individual rights have protected citizens from unwarranted government intrusion
  - (C) alarm that so many citizens use individual rights as an excuse to take advantage of one another
  - (D) concern that individual rights represent citizens’ only defense against government interference
  - (E) dissatisfaction at how some citizens cite individual rights as a way of avoiding certain obligations to their government
2. The author indicates all politicians agree about the
  - (A) legitimacy of funding certain programs that serve the national good
  - (B) use of the military to prevent domestic disorders
  - (C) similarity of conscription and compulsory taxation
  - (D) importance of broadening the definition of necessity
  - (E) compatibility of compulsion with democratic principles
3. Which one of the following most accurately characterizes what the author means by the term “social agreement” (line 8)?
  - (A) an agreement among members of a community that the scope of their individual liberties is limited somewhat by their obligations to one another
  - (B) an agreement among members of a community that they will not act in ways that infringe upon each other’s pursuit of individual liberty
  - (C) an agreement among members of a community that they will petition the government for redress when government actions limit their rights

- (D) an agreement between citizens and their government detailing which government actions do or do not infringe upon citizen's personal freedoms
  - (E) an agreement between citizens and their government stating that the government has right to suspend individual liberties whenever it sees fit
4. According to the author, national service and taxation are analogous in the sense that both
- (A) do not require that citizens be compelled to help bring them about
  - (B) are at odds with the notion of individual rights in a democracy
  - (C) require different degrees of sacrifice from different citizens
  - (D) allow the government to overstep its boundaries and interfere in the lives of citizens
  - (E) serve ends beyond those related to the basic survival of the state
5. Based on the information in the passage, which one of the following would most likely be found objectionable by those who oppose compulsory national service?
- (A) the use of tax revenues to prevent the theft of national secrets by foreign agents
  - (B) the use of tax revenues to fund relief efforts for victims of natural disasters in other nations
  - (C) the use of tax revenues to support the upkeep of the nation's standing army
  - (D) the use of tax revenues to fund programs for the maintenance of domestic dams and bridges
  - (E) the use of tax revenues to aid citizens who are victims of natural disasters

James Porter (1905-1970) was the first scholar to identify the African influence on visual art in the Americans, and much of what is known about the cultural legacy that African-American artists inherited from their African forebears has come to us by way of his work. Porter, a painter and art historian, began by studying African-American crafts of the eighteenth and nineteenth centuries. This research revealed that many of the household items created by African-American men and women—walking sticks, jugs, and textiles—displayed characteristics that linked them iconographically to artifacts of West Africa. Porter then went on to establish clearly the range of the cultural territory inherited by later African-American artists.

An example of this aspect of Porter's research **occurs** in his essay "Robert S. Duncanson, Midwestern Romantic-Realist." The work of Duncanson, a nineteenth-century painter of the Hudson River school, like that of his predecessor in the movement, Joshua Johnston, was commonly thought to have been created by a Euro-American artist. Porter proved definitively that both Duncanson and Johnston were of African ancestry. Porter published this finding and thousands of others in a comprehensive volume tracing the history of African-American art. At the time of its first printing in 1943, only two other books devoted exclusively to the accomplishments of African-American artists existed. Both of these books were written by Alain LeRoy Locke, a professor at the university where Porter also taught. While these earlier studies by Locke are interesting for being the first to survey the field, neither addressed the critical issue of African precursors; Porter's book addressed this issue, painstakingly integrating the



history of African-American art into the larger history of art in the Americas without separating it from those qualities that gave it its unique ties to African artisanship. Porter may have been especially attuned to these ties because of his conscious effort to maintain them in his own paintings, many of which combine the style of the genre portrait with evidence of an extensive knowledge of the cultural history of various African peoples.

In his later years, Porter wrote additional chapters for later editions of his book, constantly revising and correcting his findings, some of which had been based **of necessity** on fragmentary evidence. Among his later achievements were his definitive **reckoning** of the birth year of the painter Patrick Reason, long a point of scholarly uncertainty, and his identification of an unmarked grave in San Francisco as that of the sculptor Edmonia Lewis. At his death, Porter left extensive notes for unfinished project aimed at exploring the influence of African art on the art of the Western world generally, a body of research whose **riches** scholars still have not exhausted.

6. Which one of the following most accurately states the main idea of the passage?
- (A) Because the connections between African-American art and other art in the Americas had been established by earlier scholars, Porter's work focused on showing African-American art's connections to African artisanship.
  - (B) In addition to showing the connections between African-American art and African artisanship, Porter's most important achievement was illustrating the links between African-American art and other art in Americas.
  - (C) Despite the fact that his last book remains unfinished, Porter's work was the first to devote its attention exclusively to the accomplishments of African-American artists.
  - (D) Although showing the connections between African-American art and African artisanship, Porter's work concentrated primarily on placing African-American art in the context of Western art in general.
  - (E) While not the first body of scholarship to treat the subject of African-American art, Porter's work was the first to show the connections between African-American art and African artisanship.
7. The discussion of Locke's books is intended primarily to
- (A) argue that Porter's book depended upon Locke's pioneering scholarship
  - (B) highlight an important way in which Porter's work differed from previous work in his field
  - (C) suggest an explanation for why Porter's book was little known outside academic circles
  - (D) support the claim that Porter was not the first to notice African influences in African-American art
  - (E) argue that Locke's example was a major influence on Porter's decision to publish his findings
8. The passage states which one of the following about the 1943 edition of Porter's book on African-American art?

- (A) It received little scholarly attention at first.
  - (B) It was revised and improved upon in later editions.
  - (C) It took issue with several of Locke's conclusions.
  - (D) It is considered the definitive version of Porter's work.
  - (E) It explored the influence of African art on western art in general.
9. Given the information in the passage, Porter's identification of the ancestry of Duncanson and Johnston provides conclusive evidence for which one of the following statements?
- (A) Some of the characteristics defining the Hudson River school are iconographically linked to West African artisanship.
  - (B) Some of the works of Duncanson and Johnston are not in the style of the Hudson River school.
  - (C) Some of the work of Euro-American painters displays similarities to African-American crafts of the eighteenth and nineteenth centuries.
  - (D) Some of the works of the Hudson River school were done by African-American painters.
  - (E) Some of the works of Duncanson and Johnston were influenced by West African artifacts.
10. Which one of the following can most reasonably be inferred from the passage about the study that Porter left unfinished at his death?
- (A) If completed, it would have contradicted some of the conclusions contained in his earlier book.
  - (B) If completed, it would have amended some of the conclusions contained in his earlier book.
  - (C) If completed, it would have brought up to date the comprehensive history of African-American art begun in his earlier book.
  - (D) If completed, it would have expanded upon the project of his earlier book by broadening the scope of inquiry found in the earlier book.
  - (E) If completed, it would have supported some of the theories put forth by Porter's contemporaries since the publication of his earlier book.
11. Which of the following hypothetical observations is most closely analogous to the discoveries Porter made about African-American crafts of the eighteenth and nineteenth centuries?
- (A) Contemporary Haitian social customs have a unique character dependent on but different from both their African and French origins.
  - (B) Popular music in the United States, some of which is based on African musical traditions, often influences music being composed on the African continent.
  - (C) Many novels written in Canada by Chinese immigrants exhibit narrative

themes very similar to those found in Chinese folktales.

- (D) Extensive Indian immigration to England has made traditional Indian foods nearly as popular there as the traditional English foods that had been popular there before Indian immigration.
- (E) Some Mexican muralists of the early twentieth century consciously imitated the art of native peoples as a response to the Spanish influences that had predominated in Mexican art.
12. The passage most strongly supports which one of the following inferences about Porter's own paintings?
- (A) They often contained figures or images derived from the work of African artisans.
- (B) They fueled his interest in pursuing a career in art history.
- (C) They were used in Porter's book to show the extent of African influence on African-American art.
- (D) They were a deliberate attempt to prove his theories about art history.
- (E) They were done after all of his academic work had been completed.
13. Based on the passage, which one of the following, if true, would have been most relevant to the project Porter was working on at the time of his death?
- (A) African-American crafts of the eighteenth and nineteenth centuries have certain resemblances to European folk crafts of earlier periods.
- (B) The paintings of some twentieth-century European artists prefigured certain stylistic developments in North African graphic art.
- (C) The designs of many of the quilts made by African-American women in the nineteenth century reflect designs of European trade goods.
- (D) After the movement of large numbers of African-Americans to cities, the African influences in the work of many African-American painters increased.
- (E) Several portraits by certain twentieth-century European painters were modeled after examples of Central African ceremonial masks.

Between June 1987 and May 1988, the bodies of at least 740 **bottlenose** dolphins out of a total coastal population of 3,000 to 5,000 **washed** ashore on the Atlantic coast of the United States. Since some of the dead animals never washed ashore, the overall disaster was presumably worse; perhaps 50 percent of the population died. A dolphin **die-off** of this character and magnitude had never before been observed; furthermore, the dolphins exhibited a startling range of symptoms. The research team that examined the die-off noted the presence of both skin lesions and internal lesions in the liver, lung, pancreas and heart, which suggested a massive **opportunistic** bacterial infection of already weakened animals.

Tissues from the **stricken** dolphins were analyzed for a variety of toxins. Brevetoxin, a toxin produced by the blooming of the alga *Ptychodiscus brevis*, was present in eight out of seventeen dolphins tested. Tests for synthetic pollutants revealed that polychlorinated

biphenyls (PCBs) were present in almost all animals tested.

The research team concluded that brevetoxin poisoning was the most likely cause of the illnesses that killed the dolphins. Although *P. brevis* is ordinarily not found along the Atlantic coast, an unusual bloom of this organism—such blooms are called “red tides” because of the reddish color imparted by the blooming algae—did occur in the middle of the affected coastline in October 1987. These researchers believe the toxin accumulated in the tissue of fish and then was ingested by dolphins that preyed on them. The emaciated appearance of many dolphins indicated that they were metabolizing their blubber reserves, thereby reducing their buoyancy and insulation (and adding to overall stress) as well as releasing stores of previously accumulated synthetic pollutants, such as PCBs, which further exacerbated their condition. The combined impact made the dolphins vulnerable to opportunistic bacterial infection, the ultimate cause of death.

For several reasons, however, this explanation is not entirely plausible. First, bottlenose dolphins and *P. brevis* red tides are both common in the Gulf of Mexico, yet no dolphin die-off of a similar magnitude has been noted there. Second, dolphins began dying in June, hundreds of miles north of and some months earlier than the October red tide bloom. Finally, the specific effects of brevetoxin on dolphins are unknown, whereas PCB poisoning is known to impair functioning of the immune system and liver and to cause skin lesions; all of these problems are observed in the diseased animals. An alternative hypothesis, which accounts for these facts, is that a sudden influx of pollutants, perhaps from offshore dumping, triggered a cascade of disorders in animals whose systems were already heavily laden with pollutants. Although brevetoxin may have been a contributing factor, the event that actually precipitated the die-off was a sharp increase in the dolphins’ exposure to synthetic pollutants.

14. The passage is primarily concerned with assessing
- (A) the effects of a devastating bacterial infection in Atlantic coast bottlenose dolphins
  - (B) the progress by which illnesses in Atlantic coast bottlenose dolphins were correctly diagnosed
  - (C) the weaknesses in the research methodology used to explore the dolphin die-off
  - (D) possible alternative explanations for the massive dolphin die-off
  - (E) relative effects of various marine pollutants on dolphin mortality
15. Which one of the following is mentioned in the passage as evidence for the explanation of the dolphin die-off offered in the final paragraph?
- (A) the release of stored brevetoxins from the dolphins’ blubber reserves
  - (B) the date on which offshore dumping was known to have occurred nearby
  - (C) the presence of dumping sites for PCBs in the area
  - (D) the synthetic pollutants that were present in the fish eaten by the dolphins
  - (E) the effects of PCBs on liver function in dolphins
16. Which one of the following is most analogous to the approach taken by author of

- the passage with regard to the research described in the third paragraph?
- (A) A physics teacher accepts the data from a student's experiment but questions the student's conclusions.
  - (B) An astronomer provides additional observations to support another astronomer's theory.
  - (C) A cook revises a traditional recipe by substituting modern ingredients for those used in the original.
  - (D) A doctor prescribes medication for a patient whose illness was misdiagnosed by another doctor.
  - (E) A microbiologist sets out to replicate the experiment that yielded a classic theory of cell structure.
17. Which one of the following most accurately describes the organization of the last paragraph?
- (A) One explanation is criticized and different explanation is proposed.
  - (B) An argument is advanced and then refuted by means of an opposing argument.
  - (C) Objections against a hypothesis are advanced, the hypothesis is explained more fully, and then the objections are rejected.
  - (D) New evidence in favor of a theory is described, and then the theory is reaffirmed.
  - (E) Discrepancies between two explanations are noted, and a third explanation is proposed.
18. It can be inferred from the passage that the author would most probably agree with which one of the following statements about brevetoxin?
- (A) It may have been responsible for the dolphins' skin lesions but could not have contributed to the bacterial infection.
  - (B) It forms more easily when both *P. brevis* and synthetic pollutants are present in the environment simultaneously.
  - (C) It damages liver function and immune system responses in bottlenose dolphins but may not have triggered this particular dolphin die-off.
  - (D) It is unlikely to be among the factors that contributed to the dolphin die-off.
  - (E) It is unlikely to have caused the die-off because it was not present in the dolphins' environment when the die-off began.
19. The explanation for the dolphin die-off given by the research team most strongly supports which one of the following?
- (A) The biological mechanism by which brevetoxin affects dolphins is probably different from that by which it affects other marine animals.
  - (B) When *P. brevis* blooms in an area where it does not usually exist, it is more toxic than it is in its usual habitat.

- (C) Opportunistic bacterial infection is usually associated with brevetoxin poisoning in bottlenose dolphins.
  - (D) The dolphins' emaciated state was probably a symptom of PCB poisoning rather than of brevetoxin poisoning.
  - (E) When a dolphin metabolizes its blubber, the PCBs released may be more dangerous to the dolphin than they were when stored in the blubber.
20. The author refers to dolphins in the Gulf of Mexico in the last paragraph in order to
- (A) refute the assertion that dolphins tend not to inhabit areas where *P. brevis* is common
  - (B) compare the effects of synthetic pollutants on these dolphins and on Atlantic coast dolphins
  - (C) cast doubt on the belief that *P. brevis* contributes substantially to dolphin die-offs
  - (D) illustrate the fact that dolphins in relatively pollution-free waters are healthier than dolphins in polluted waters
  - (E) provide evidence for the argument that *P. brevis* was probably responsible for the dolphins' deaths
21. Which one of the following factors is explicitly cited as contributing to the dolphins' deaths in both theories discussed in the passage?
- (A) the dolphins' diet
  - (B) the presence of *P. brevis* in the Gulf of Mexico
  - (C) the wide variety of toxins released by the red tide bloom of October 1987
  - (D) the presence of synthetic pollutants in the dolphins' bodies
  - (E) the bacterial infection caused by a generalized failure of the dolphins' immune systems

In England before 1660, a husband controlled his wife's property. In the late seventeenth and eighteenth centuries, with the shift from land-based to commercial wealth, marriage began to incorporate certain features of a contract. Historians have traditionally argued that this trend represented a gain for women, one that reflects changing views about democracy and property following the English **Restoration** in 1660. Susan Staves **contests** this view; she argues that whatever gains marriage contracts may briefly have represented for women were undermined by judicial decisions about women's contractual rights.

Sifting (to go through especially to sort out what is useful or valuable "sifted the evidence" often used with through "sift through a pile of old letters") through the tangled details of court cases, Staves demonstrates that, despite surface changes, a rhetoric of equality, and occasional decisions supporting women's financial power, definitions of men's and women's property remained inconsistent—generally to women's detriment. For example, **dower** lands (property inherited by wives after their husbands' deaths) could not be sold, but "**curtsey**" property (inherited by husbands from their wives) could be sold. Furthermore, comparatively



new concepts that developed in conjunction with the marriage contract, such as **jointure**, **pin money** (pin money: money given by a man to his wife for her own use), and **separate maintenance**, were compromised by peculiar rules. For instance, if a woman spent her pin money (money paid by the husband according to the marriage contract for wife's personal items) on possessions other than clothes she could not sell them; **in effect** they belonged to her husband. In addition, a wife could sue for pin money only up to a year **in arrears**—which rendered a suit impractical. Similarly, separate maintenance allowances (stated sums of money for the wife's support if husband and wife agreed to live apart) were complicated by the fact that if a couple tried to agree in a marriage contract on an amount, they were admitting that a supposedly indissoluble bond could be dissolved, an assumption courts could not recognize. Eighteenth-century historians underplayed these inconsistencies, calling them "little contraries" that would soon vanish. Staves shows, however, that as judges gained power over decisions on marriage contracts, they tended to **fall back on** pre-1660 assumptions about property.

Staves' work on women's property has general implications for other studies about women in eighteenth-century England. Staves revised her previous claim that separate maintenance allowances proved the weakening of patriarchy; she now finds that an oversimplification. She also challenges the contention by historians Jeanne and Lawrence Stone that in the late eighteenth century wealthy men married widows less often than before because couples began marrying for love rather than for financial reasons. Staves does not completely undermine their contention, but she does counter their assumption that widows had more money than never-married women. She points out that jointure property (a widow's lifetime use of an amount of money specified in the marriage contract) was often lost on remarriage.

22. Which one of the following best expresses the main idea of the passage?
- (A) As notions of property and democracy changed in late seventeenth-and eighteenth-century England, marriage settlements began to incorporate contractual features designed to protect women's property rights.
  - (B) Traditional historians have incorrectly identified the contractual features that were incorporated into marriage contracts in late seventeenth-and eighteenth-century England.
  - (C) The incorporation of contractual features into marriage settlements in late seventeen-and eighteenth-century England did not represent a significant gain of women.
  - (D) An examination of late seventeenth-and eighteenth-century English court cases indicates that most marriage settlements did not incorporate contractual features designed to protect women's property rights.
  - (E) Before marriage settlements incorporated contractual features protecting women's property rights, women were unable to gain any financial power in England.
23. Which one of the following best describes the function of the last paragraph in the context of the passage as a whole?
- (A) It suggests that Staves' recent work has caused significant revision of theories

- about the rights of women in eighteenth-century England.
- (B) It discusses research that may qualify Staves' work on women's property in eighteenth-century England.
- (C) It provides further support for Staves' argument by describing more recent research on women's property in eighteenth-century England.
- (D) It asserts that Staves' recent work has provided support for two other hypotheses developed by historians of eighteenth-century England.
- (E) It suggests the implications Staves' recent research has for other theories about women in eighteenth-century England.
24. The primary purpose of the passage to
- (A) compare two explanations for the same phenomenon
- (B) summarize research that refutes an argument
- (C) resolve a long-standing controversy
- (D) suggest that a recent hypothesis should be reevaluated
- (E) provide support for a traditional theory
25. According to the passage, Staves' research has which one of the following effects on the Stones' contention about marriage in late eighteenth-century England?
- (A) Staves' research undermines one of the Stones' assumptions but does not effectively invalidate their contention.
- (B) Staves' research refutes that the Stones' contention by providing additional data overlooked by the Stones.
- (C) Staves' research shows that the Stones' contention cannot be correct, and that a number of their assumptions are mistaken.
- (D) Staves' research indicates that the Stones' contention is incorrect because it is based on contradictory data.
- (E) Staves' research qualifies the Stones' contention by indicating that it is based on accurate out incomplete data.
26. According to the passage, Staves indicates that which one of the following was true of judicial decisions on contractual rights?
- (A) Judges frequently misunderstood and misapplied laws regarding married women's property.
- (B) Judges were aware of inconsistencies in laws concerning women's contractual rights but claimed that such inconsistencies would soon vanish.
- (C) Judges' decisions about marriage contracts tended to reflect assumptions about property that had been common before 1660.
- (D) Judges had little influence on the development and application of laws concerning married women's property.
- (E) Judges recognized the patriarchal assumptions underlying laws concerning married women's property and tried to interpret the laws in ways that would

protect women.

27. The passage suggests that the historians mentioned in line 5 would be most likely to agree with which one of the following statements?
- (A) The shift from land-based to commercial wealth changed views about property but did not significantly benefit married women until the late eighteenth century.
  - (B) Despite initial judicial resistance to women's contractual rights, marriage contracts represented a significant gain for married women.
  - (C) Although marriage contracts incorporated a series of surface changes and a rhetoric of equality, they did not ultimately benefit married women.
  - (D) Changing views about property and democracy in post-Restoration England had an effect on property laws that was beneficial to women.
  - (E) Although contractual rights protecting women's property represented a small gain for married women, most laws continued to be more beneficial for men than for women.

### **LSAT 2002 SECTION III**

**Time 35 minutes 26 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 myth persists that in 1492 the Western Hemisphere was an untamed wilderness and that it was European settlers who harnessed and transformed its ecosystems. But scholarship shows that forests, in particular, had been altered to varying degrees well before the arrival of Europeans. Native populations had converted much of the forests to successfully cultivated stands, especially by means of burning. Nevertheless, some researchers have maintained that the extent, frequency, and impact of such burning was minimal. One geographer claims that climatic change could have accounted for some of the changes in forest composition; another argues that burning by native populations was done only sporadically, to augment the effects of natural fires.

However, a large body of evidence for the routine practice of burning exists in the geographical record. One group of researchers found, for example, that sedimentary charcoal accumulations in what is now the northeastern United States are greatest where known native American settlements were greatest. Other evidence shows that, while the characteristics and impact of fires set by native populations varied regionally according to population size, extent of resource management techniques, and environment, all such fires had markedly different effects on vegetation pattern than did natural fires. Controlled burning created grassy openings such as meadows and glades. Burning also promoted a mosaic quality to North and South American ecosystems, creating forests in many different stages of ecological development. Much of the mature forestland was characterized by open herbaceous undergrowth, another

result of the clearing brought about by burning.

In North America, controlled burning created conditions favorable to berries and other fire-tolerant and sun-loving foods. Burning also converted mixed stands of trees to homogeneous forest, for example the longleaf, slash pine, and scrub oak forests of the southeastern U.S. natural fires do account for some of this vegetation, but regular burning clearly extended and maintained it. Burning also influenced forest composition in the tropics, where natural fires are rare. An example is the pine-dominant forests of Nicaragua, where warm temperatures and heavy rainfall naturally favor mixed tropical or rain forests. While there are primarily grown in cooler, drier, higher elevations, regions where such vegetation is in large part natural and even prehuman. Today, the Nicaraguan pines occur where there has been clearing followed by regular burning, and the same is likely to have occurred in the past: such forests were present when Europeans arrived and were found only in areas where native settlements were substantial; when these settlements were abandoned, the land returned to mixed hardwoods. This succession is also evident elsewhere in similar low tropical elevations in the Caribbean and Mexico.

1. Which one of the following most accurately expresses the main idea of the passage?
  - (A) Despite extensive evidence that native populations had been burning North and South American forests extensively before 1492, some scholars persist in claiming that such burning was either infrequent or the result of natural causes.
  - (B) In opposition to the widespread belief that in 1492 the Western hemisphere was uncultivated, scholars unanimously agree that native populations were substantially altering North and South American forests well before the arrival of Europeans.
  - (C) Although some scholars minimize the scope and importance of the burning of forests engaged in by native populations of North and South America before 1492, evidence of the frequency and impact of such burning is actually quite extensive.
  - (D) Where scholars had once believed that North and South American forests remained uncultivated until the arrival of Europeans, there is now general agreement that native populations had been cultivating the forests since well before 1492.
  - (E) While scholars have acknowledged that North and South American forests were being burned well before 1492, there is still disagreement over whether such burning was the result of natural causes or of the deliberate actions of native populations.
2. It can be inferred that a forest burned as described in the passage would have been LEAST likely to display
  - (A) numerous types of hardwood trees
  - (B) extensive herbaceous undergrowth

- (C) a variety of fire-tolerant plants
  - (D) various stages of ecological maturity
  - (E) grassy opening such as meadows or glades
3. Which one of the following is a type of forest identified by the author as a product of controlled burning in recent times?
- (A) scrub oak forests in the southeastern U.S.
  - (B) slash pine forests in the southeastern U.S.
  - (C) pine forests in Guatemala at high elevations
  - (D) pine forests in Mexico at high elevations
  - (E) pine forests in Nicaragua at low elevations
4. Which one of the following is presented by the author as evidence of controlled burning in the tropics before the arrival of Europeans?
- (A) extensive homogeneous forests at high elevation
  - (B) extensive homogeneous forests at low elevation
  - (C) extensive heterogeneous forests at high elevation
  - (D) extensive heterogeneous forests at low elevation
  - (E) extensive sedimentary charcoal accumulations at high elevation
5. With which one of the following would the author be most likely to agree?
- (A) The long-term effects of controlled burning could just as easily have been caused by natural fires.
  - (B) Herbaceous undergrowth prevents many forests from reaching full maturity.
  - (C) European settlers had little impact on the composition of the ecosystems in North and South America.
  - (D) Certain species of plants may not have been as widespread in North American without controlled burning.
  - (E) Nicaraguan pine forests could have been created either by natural fires or by controlled burning.
6. As evidence from the routine practice of forest burning by native populations before the arrival of Europeans, the author cites all of the following EXCEPT:
- (A) The similar characteristics of fires in different regions.
  - (B) The simultaneous presence of forests at varying stages of maturity
  - (C) The existence of herbaceous undergrowth in certain forests
  - (D) The heavy accumulation of charcoal near populous settlements
  - (E) The presence of meadows and glades in certain forests.
7. The “succession” mentioned in line 57 refers to
- (A) forest clearing followed by controlled burning of forests
  - (B) tropical rain forest followed by pine forest

- (C) European settlement followed by abandonment of land
  - (D) homogeneous pine forest followed by mixed hardwoods
  - (E) correct the geographical record
8. The primary purpose of the passage is to
- (A) refute certain researchers' view
  - (B) support a common belief
  - (C) counter certain evidence
  - (D) synthesize two viewpoints
  - (E) correct the geographical record

Intellectual authority is defined as the authority of arguments that prevail by virtue of good reasoning and do not depend on coercion or convention. A contrasting notion, institutional authority, refers to the power of social institutions to enforce acceptance of arguments that may or may not possess intellectual authority. The authority wielded by legal systems is especially interesting because such systems are institutions that nonetheless aspire to a purely intellectual authority. One judge goes so far as to claim that courts are merely passive vehicles for applying the intellectual authority of the law and possess no coercive powers of their own.

In contrast, some critics maintain that whatever authority judicial pronouncements have is exclusively institutional. Some of these critics go further, claiming that intellectual authority does not really exist—i.e., it reduces to institutional authority. But it can be countered that these claims break down when a sufficiently broad historical perspective is taken: Not all arguments accepted by institutions withstand the test of time, and some well-reasoned arguments never receive institutional imprimatur. The reasonable argument that goes unrecognized in its own time because it challenges institutional beliefs is common in intellectual history; intellectual authority and institutional consensus are not the same thing.

But the critics might respond, intellectual authority is only recognized as such because of institutional consensus. For example, if a musicologist were to claim that an alleged musical genius who, after several decades, had not gained respect and recognition for his or her compositions is probably not a genius, the critics might say that basing a judgment on a unit of time—"several decades"—is an institutional rather than an intellectual construct. What, the critics might ask, makes a particular number of decades reasonable evidence by which to judge genius? The answer, of course, is nothing, except for the fact that such institutional procedures have proved useful to musicologists in making such distinctions in the past.

The analogous legal concept is the doctrine of precedent, i.e., a judge's merely deciding a case a certain way becoming a basis for deciding later cases the same way—a pure example of institutional authority. But eh critics miss the crucial distinction that when a judicial decision is badly reasoned, or simply no longer applies in the face of evolving social standards or practices, the notion of intellectual authority is introduced: judges reconsider, revise, or in some cases throw out in the reconsideration of decisions, leading one to draw the conclusion that legal systems contain a significant degree of intellectual authority even if the thrust of their power is predominantly institutional.

9. Which one of the following most accurately states the main idea of the passage?



- (A) Although some argue that the authority of legal systems is purely intellectual, these systems possess a degree of institutional authority due to their ability to enforce acceptance of badly reasoned or socially inappropriate judicial decisions.
- (B) Although some argue that the authority of legal systems is purely institutional, these systems are more correctly seen as vehicles for applying the intellectual authority of the law while possessing no coercive power of their own.
- (C) Although some argue that the authority of legal systems is purely intellectual, these systems in fact wield institutional authority by virtue of the fact that intellectual authority reduces to institutional authority.
- (D) Although some argue that the authority of legal systems is purely institutional, these systems possess a degree of intellectual authority due to their ability to reconsider badly reasoned or socially inappropriate judicial decisions.
- (E) Although some argue that the authority of legal systems is purely intellectual, these systems in fact wield exclusively institutional authority in that they possess the power to enforce acceptance of badly reasoned or socially inappropriate judicial decisions.
10. That some arguments “never receive institutional imprimatur” (line 22-23) most likely means that these arguments
- (A) fail to gain institutional consensus
- (B) fail to challenge institutional beliefs
- (C) fail to conform to the example of precedent
- (D) fail to convince by virtue of good reasoning
- (E) fail to gain acceptance except by coercion
11. Which one of the following, if true, most challenges the author’s contention that legal systems contain a significant degree of intellectual authority?
- (A) Judges often act under time constraints and occasionally render a badly reasoned or socially inappropriate decision.
- (B) In some legal systems, the percentage of judicial decisions that contain faulty reasoning is far higher than it is in other legal systems.
- (C) Many socially inappropriate legal decisions are thrown out by judges only after citizens begin to voice opposition to them.
- (D) In some legal systems, the percentage of judicial decisions that are reconsidered and revised is far higher than it is in other legal systems.
- (E) Judges are rarely willing to rectify the examples of faulty reasoning they discover when reviewing previous legal decisions.
12. Given the information in the passage, the author is LEAST likely to believe which one of the following?
- (A) Institutional authority may depend on coercion; intellectual authority never

- does.
- (B) Intellectual authority may accept well-reasoned arguments; institutional authority never does.
  - (C) Institutional authority may depend on convention; intellectual authority never does.
  - (D) Intellectual authority sometimes challenges institutional beliefs; institutional authority never does.
  - (E) Intellectual authority sometimes conflicts with precedent; institutional authority never does.
13. The author discusses the example from musicology primarily in order to
- (A) distinguish the nothing of institutional authority from that of intellectual authority
  - (B) given an example of an argument possessing intellectual authority that did not prevail in its own time
  - (C) identify an example in which the ascription of musical genius did not withstand the test of time
  - (D) illustrate the claim that assessing intellectual authority requires an appeal to institutional authority
  - (E) demonstrate that the authority wielded by the arbiters of musical genius is entirely institutional
14. Based on the passage, the author would be most likely to hold which one of the following views about the doctrine of precedent?
- (A) it is the only tool judges should use if they wish to achieve a purely intellectual authority.
  - (B) It is a useful tool in theory but in practice it invariably conflicts with the demands of intellectual authority.
  - (C) It is a useful tool but lacks intellectual authority unless it is combined with the reconsidering of decisions.
  - (D) It is often an unreliable tool because it prevents judges from reconsidering the intellectual authority of past decisions.
  - (E) It is an unreliable tool that should be abandoned because it lacks intellectual authority.

In explaining the foundations of the discipline known as historical sociology—the examination of history using the methods of sociology—historical sociologist Philip Abrams argues that, while people are made by society as much as society is made by people, sociologists' approach to the subject is usually to focus on only one of these forms of influence to the exclusion of the other. Abrams insists on the necessity for sociologists to move beyond these one-sided approaches to understand society as an entity constructed by individuals who are at the same time constructed by their society. Abrams refers to this continuous process as "structuring".

Abrams also sees history as the result of structuring. People, both individually and as members of collectives, make history. But our making of history is itself formed and informed not only by the historical conditions we inherit from the past, but also by the prior formation of our own identities and capacities, which are shaped by what Abrams calls “contingencies”—social phenomena over which we have varying degrees of control. Contingencies include such things as the social conditions under which we come of age, the condition of our household’s economy, the ideologies available to help us make sense of our situation, and accidental circumstances. The ways in which contingencies affect our individual or group identities create a structure of forces within which we are able to act, and that partially determines the sorts of actions we are able to perform.

In Abrams analysis, historical structuring, like social structuring, is manifold and unrelenting. To understand it, historical sociologists must extract from it certain significant episodes, or events, that their methodology can then analyze and interpret. According to Abrams, these events are points at which action and contingency meet, points that represent a cross section of the specific social and individual forces in play at a given time. At such moments, individuals stand forth as agents of history not simply because they possess a unique ability to act, but also because in them we see the force of the specific social conditions that allowed their actions to come forth. Individuals can “make their mark” on history, yet in individuals one also finds the convergence of wider social forces. In order to capture the various facets of this mutual interaction, Abrams recommends a fourfold structure to which he believes the investigations of historical sociologists should conform: first, description of the event itself; second, discussion of the social context that helped bring the event about and gave it significance; third, summary of the life history of the individual agent in the event; and fourth, analysis of the consequences of the event both for history and for the individual.

15. Which one of the following most accurately states the central idea of the passage?
- (A) Abrams argues that historical sociology rejects the claims of sociologists who assert that the sociological concept of structuring cannot be applied to the interactions between individuals and history.
  - (B) Abrams argues that historical sociology assumes that, despite the views of sociologists to the contrary, history influences the social contingencies that affect individuals.
  - (C) Abrams argues that historical sociology demonstrates that, despite the views of sociologists to the contrary, social structures both influence and are influenced by the events of history.
  - (D) Abrams describes historical sociology as a discipline that unites two approaches taken by sociologists to studying the formation of societies and applies the resulting combined approach to the study of history.
  - (E) Abrams describes historical society as an attempt to compensate for the shortcoming of traditional historical methods by applying the methods established in sociology.
16. Given the passage’s argument, which one of the following sentences most logically completes the last paragraph?

- (A) Only if they adhere to this structure, Abrams believes, can historical sociologists conclude with any certainty that the events that constitute the historical record are influenced by the actions of individuals
  - (B) Only if they adhere to this structure, Abrams believes, will historical sociologists be able to counter the standard sociological assumption that there is very little connection between history and individual agency.
  - (C) Unless they can agree to adhere to this structure, Abrams believes, historical sociologists risk having their discipline treated as little more than an interesting but ultimately indefensible adjunct to history and sociology.
  - (D) By adhering to this structure, Abrams believes, historical sociologists can shed light on issues that traditional sociologists have chosen to ignore in their one-sided approaches to the formation of societies.
  - (E) By adhering to this structure, Abrams believes, historical sociologists will be able to better portray the complex connections between human agency and history.
17. The passage states that a contingency could be each of the following EXCEPT:
- (A) a social phenomenon
  - (B) a form of historical structuring
  - (C) an accidental circumstance
  - (D) a condition controllable to some extent by an individual
  - (E) a partial determinant of an individual's actions
18. Which one of the following is most analogous to the ideal work of a historical sociologist as outlined by Abrams?
- (A) In a report on the enactment of a bill into law, a journalist explains why the need for the bill arose, sketches the biography of the principal legislator who wrote the bill, and ponders the effect that the bill's enactment will have both on society and on the legislator's career.
  - (B) In a consultation with a patient, a doctor reviews the patient's medical history, suggests possible reasons for the patient's current condition, and recommends steps that the patient should take in the future to ensure that the condition improves or at least does not get any worse.
  - (C) In an analysis of a historical novel, a critic provides information to support the claim that details of the work's setting are accurate, explains why the subject of the novel was of particular interest to the author, and compares the novel with some of the author's other books set in the same period.
  - (D) In a presentation to stockholders, a corporation's chief executive officer describes the corporation's most profitable activities during the past year, introduces the vice president largely responsible for those activities, and discusses new projects the vice president will initiate in the coming year.
  - (E) In developing a film based on a historical event, a filmmaker conducts interviews with participants in the event, bases part of the film's screenplay

on the interviews, and concludes the screenplay with a sequence of scenes speculating on the outcome of the event had certain details been different.

19. The primary function of the first paragraph of the passage is to
- (A) outline the merits of Abram's conception of historical sociology
  - (B) convey the details of Abrams's conception of historical sociology
  - (C) anticipate challenges to Abrams's conception of historical sociology
  - (D) examine the roles of key terms used in Abrams's conception of historical sociology
  - (E) identify the basis of Abrams's conception of historical sociology
20. Based on the passage, which one of the following is the LEAST illustrative example of the effect of a contingency upon an individual?
- (A) the effect of the fact that a person experienced political injustice on that person's decision to work for political reform
  - (B) the effect of the fact that a person was raised in an agricultural region on that person's decision to pursue a career in agriculture
  - (C) the effect of the fact that a person lives in a particular community on that person's decision to visit friends in another community
  - (D) the effect of the fact that a person's parents practiced a particular religion on that person's decision to practice that religion
  - (E) the effect of the fact that a person grew up in financial hardship on that person's decision to help others in financial hardship

One of the greatest challenges facing medical students today, apart from absorbing volumes of technical information and learning habits of scientific thought, is that of remaining empathetic to the needs of patients in the face of all this rigorous training. Requiring students to immerse themselves completely in medical coursework risks disconnecting them from the personal and ethical aspects of doctoring, and such strictly scientific thinking is insufficient for grappling with modern ethical dilemmas. For these reasons, aspiring physicians need to develop new ways of thinking about and interacting with patients. Training in ethics that takes narrative literature as its primary subject is one method of accomplishing this.

Although training in ethics is currently provided by medical schools, this training relies heavily on an abstract, philosophical view of ethics. Although the conceptual clarity provided by a traditional ethics course can be valuable, theorizing about ethics contributes little to the understanding of everyday human experience or to preparing medical students for the multifarious ethical dilemmas they will face as physicians. A true foundation in ethics must be predicated on an understanding of human behavior that reflects a wide array of relationships and readily adapts to various perspectives, for this is what is required to develop empathy. Ethics courses drawing on narrative literature can better help students prepare for ethical dilemmas precisely because such literature attaches its readers so forcefully to the concrete and varied world of human events.

The act of reading narrative literature is uniquely suited to the development of what might be called flexible ethical thinking. To grasp the development of character, to tangle with

heightening moral crises, and to engage oneself with the story not as one's own but nevertheless as something recognizable and worthy of attention, readers must use their moral imagination. Giving oneself over to the ethical conflicts in a story requires the abandonment of strictly absolute, inviolate sets of moral principles. Reading literature also demands that the reader adopt another person's point of view—that of the narrator or a character in a story—and thus requires the ability to depart from one's personal ethical stance and examine moral issues from new perspectives.

It does not follow that readers, including medical professionals, must relinquish all moral principles, as is the case with situational ethics, in which decisions about ethical choices are made on the basis of intuition and are entirely relative to the circumstances in which they arise. Such an extremely relativistic stance would have as little benefit for the patient or physician as would a dogmatically absolutist one. Fortunately, the incorporation of narrative literature into the study of ethics, while serving as a corrective to the latter stance, need not lead to the former. But it can give us something that is lacking in the traditional philosophical study of ethics—namely, a deeper understanding of human nature that can serve as a foundation for ethical reasoning and allow greater flexibility in the application of moral principles.

21. Which one of the following most accurately states the main point of the passage?
- (A) Training in ethics that incorporates narrative literature would better cultivate flexible ethical thinking and increase medical students' capacity for empathetic patient care as compared with the traditional approach of medical schools to such training.
  - (B) Traditional abstract ethical training, because it is too heavily focused on theoretical reasoning, tends to decrease or impair that medical student's sensitivity to modern ethical dilemmas.
  - (C) Only a properly designed curriculum that balances situational, abstract, and narrative approaches to ethics will adequately prepare the medical student for complex ethical confrontations involving actual patients.
  - (D) Narrative-based instruction in ethics is becoming increasingly popular in medical schools because it requires students to develop a capacity for empathy by examining complex moral issues from a variety of perspectives.
  - (E) The study of narrative literature in medical schools would nurture moral intuition, enabling the future doctor to make ethical decisions without appeal to general principles.
22. Which one of the following most accurately represents the author's use of the term "moral imagination" in line 38?
- (A) a sense of curiosity, aroused by reading, that leads one to follow actively the development of problems involving the characters depicted in narratives.
  - (B) A faculty of seeking out and recognizing the ethical controversies involved in human relationships and identifying oneself with one side or another in such controversies
  - (C) A capacity to understand the complexities of various ethical dilemmas and to



- fashion creative and innovative solutions to them
- (D) An ability to understand personal aspects of ethically significant situations even if one is not a direct participant and to empathize with those involved in them.
- (E) An ability to act upon ethical principles different from one's own for the sake of variety.
23. It can be inferred from the passage that the author would most likely agree with which one of the following statements?
- (A) The heavy load of technical coursework in today's medical schools often keeps them from giving adequate emphasis to courses in medical ethics.
- (B) Students learn more about ethics through the use of fiction than through the use of non-fictional readings.
- (C) The traditional method of ethical training in medical schools should be supplemented or replaced by more direct practical experience with real-life patients in ethically difficult situations.
- (D) The failing of an abstract, philosophical training in ethics can be remedied only by replacing it with a purely narrative-based approach.
- (E) Neither scientific training nor traditional philosophical ethics adequately prepares doctors to deal with the emotional dimension of patients' needs.
24. 原稿缺
25. Which one of the following is most likely the author's overall purpose in the passage?
- (A) To advise medical schools on how to implement a narrative-based approach to ethics in their curricula.
- (B) To argue that the current methods of ethics education are counterproductive to the formation of empathetic doctor-patient relationships.
- (C) To argue that the ethical content of narrative literature foreshadows the pitfalls of situational ethics.
- (D) To propose an approach to ethical training in medical school that will preserve the human dimension of medicine.
- (E) To demonstrate the value of a well-designed ethics education for medical students.
26. The passage ascribes each of the following characteristics to the use of narrative literature in ethical education EXCEPT:
- (A) It tends to avoid the extreme relativism of situational ethics.
- (B) It connects students to varied types of human events.
- (C) It can help lead medical students to develop new ways of dealing with patients.
- (D) It requires students to examine moral issues from new perspectives.