

Questions 1-6 refer to the following information.

Passage A

American law is an outward expression of the morals and values of the people. This flexibility gives judges the power to adapt the law to the needs and desires of the community. Many have praised the American judicial system because it embodies the idea that the law should do the will of the people. Under this system, the law does not dictate to the citizenry, but rather takes its cues from the populace.

The law can change and adjust to meet the needs of society. The plasticity of this legal system also allows judges to avoid absurd results that might be required if laws were inflexibly and strictly applied. Take, for example, the requirement that a will be signed by two witnesses and notarized. If two witnesses sign a will, both of whom are available to testify to the validity of their signatures and of the will, but it is not notarized, there would be no reason for the will to be unenforceable. An American judge would likely find that there was no reason to strictly adhere to the legal requirements, and would enforce the will. The one downside to this flexibility is that very few cases are so easily decided, and judges do not always rule in a predictable manner. A cursory look at the government in America will reveal the foundations of such a variable rule of law. Government is seen as a necessary evil that should have only limited involvement in the daily lives of the people. Americans want a government that interferes in their lives as little as possible—it is controlled by the people and should, at all times, work for the people.

Passage B

In many Western European nations, the law is seen as rigid and not open to interpretation. This rigidity grants a consistency to questions of law that many would argue is absent in other, more flexible systems. The European construction of law provides litigants with a clear picture of how a case will be decided. All parties involved are certain how judges will rule on issues. It is simple: Judges will strictly follow the law. This simple fact—that the law will not change from one situation to another—allows for court systems in Western Europe to process cases efficiently and cuts down on the amount of frivolous lawsuits. It is useless for an individual to attempt a case if he knows in advance that the law is not in his favor. Like any legal system, the Western European format is far from perfect. It arose from a belief that governments are thought of as caretakers, and with this comes potential problems. Although citizens have become accustomed to an unbending, often predictable, code of law, some would assert that this gives the government excessive control over the morals and behaviors of the citizenry. Nevertheless, it can also be remarked that such jurisprudence is freeing; knowing for certain, in advance, whether or not you will be guilty grants a greater degree of protection than other legal systems are able to afford.

QUESTIONS

1. With which one of the following statements would the authors of the two passages be most likely to agree?

- A. Laws should be interpreted in the light of a strict constructionist viewpoint.
- B. No legal systems will serve the needs of their citizens flawlessly.
- C. No legal system is not a direct result of societal norms and beliefs.
- D. Laws are meant to conform to the will of the people and should, therefore, be malleable.
- E. Enlightened society would never have been possible without the development of legal theory.

2. With which one of the following statements about Western European legal systems would the author of Passage B most likely agree?

- A. Western European legal systems treat litigants more equitably because of the consistent application of the law.
- B. Western European legal systems rely on unchanging absolute truths.
- C. Western European legal systems are more unswerving than the American system.
- D. Western European legal systems will eventually become more like the American legal system.
- E. Western European legal systems often reach absurd results.

3. Which of the following questions is central to both passages?

- A. How have the mores of a society influenced its legal system?
- B. To what extent do flexible legal systems fail citizens?
- C. To what extent have individuals reacted negatively to the legal system in their country?
- D. What legal system is best for Western Europe?
- E. What types of laws should be avoided in all legal systems?

4. According to Passage A, proponents of the American legal system would most likely agree with which one of the following?

- A. It is of great importance that a nation has a legal system that provides strong guidance to the citizenry.
- B. Judges should have absolute authority to make decisions that are in the best interest of society.

- C. It is of utmost importance that the law be consistent in all matters.
- D. The law must be adaptable enough to reflect the will of the people.
- E. Judges, not legislators, should make laws.

5. Which of the following situations is most similar in manner to the method of Western European legal systems as articulated in Passage B?

- A. A building inspector refuses to sign off on a construction project that meets all code requirements because the inspector does not think the insulation was installed properly.
- B. A judge awards an inmate parole because of good behavior, releasing the individual a year before the end of his sentence.
- C. A patient decides not to take the full course of a prescribed treatment, despite what her doctor instructed, because she feels better.
- D. A professor fails a student because the student missed three classes due to a death in the family, when the student handbook specifies that only two absences are allowed with no exceptions.
- E. A director of a museum's new art exhibit extends the exhibit's hours past the typical closing time of the museum to allow more people to attend.

6. Which of the following most accurately describes a way in which the two passages are related to each other?

- A. The logic presented in Passage A weakens the claims made in Passage B.
- B. Passage A contains reasoning that is parallel to that in Passage B.
- C. If all the claims in passage B are true, then some of the claims made in passage A are false.
- D. The history suggested in Passage B is proven to be false by Passage A.
- E. Passage B suggests an alternative frame-work for discussing the same broad topic as Passage A.