

ADVANCED READING

PASSAGE 1

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."

PASSAGE 2

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.

PASSAGE 3

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.

PASSAGE 4

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.