

# ADVANCED READING

## PASSAGE 1

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.

## PASSAGE 2

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 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.

### PASSAGE 3

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 produce. 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.

#### PASSAGE 4

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 the 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 the 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.