2017

1° Semestre



Inglês

VESTIBULAR *FGV

GRADUAÇÃO EM DIREITO SP

Instruções para a Prova de INGLÊS:

- Confira se seu nome e RG estão corretos.
- Não se esqueça de assinar a capa deste caderno, no local indicado, com caneta azul ou preta.
- Você terá **4 horas** para realizar as três provas.
- Antes de iniciar a prova, verifique se o caderno contém 3 questões e se a impressão está legível.
- A prova de Inglês é composta por 3 questões. Atenção: A Questão 1 deve ser respondida em português; as Questões 2 e 3 devem ser respondidas em inglês. As três questões desta prova valem, no total, 10 pontos, assim distribuídos:
 - **Questão 1** − 3 pontos.
 - **Questão 2** − 3 pontos.
 - **Questão 3** − 4 pontos.
- As respostas deverão ser redigidas nos espaços destinados a elas, com letra legível e, obrigatoriamente, com caneta de tinta azul ou preta.
- Não se identifique em nenhuma das folhas do corpo deste caderno, pois isso implicará risco de anulação.
- O candidato só poderá deixar definitivamente o local das provas a partir de 1 hora e meia após seu início.
- Não haverá substituição deste caderno.
- O candidato é responsável pela devolução deste caderno ao fiscal de sala.
- Adverte-se que o candidato que se recusar a entregar este caderno, dentro do período estabelecido para realização das provas, terá automaticamente sua prova anulada.
- Estará automaticamente eliminado do processo seletivo o candidato que obtiver **nota bruta inferior a 3,0** na prova de **Inglês**.

NOME: IDENTIDADE:		INSCRIÇÃO:	
LOCAL:			
DATA: 13/11/2016	SALA:		ORDEM:
Assinatura do Candidato:			



WHO DO YOU THINK YOU ARE?

By Jacqueline Rose

In 1969, Arthur Corbett, first husband of famous male-to-female transsexual April Ashley, sought an annulment of their marriage on the grounds that at the time of the ceremony, Ashley was a "person of the male sex." In the course of the proceedings, Corbett presented himself as a frequenter of male brothels [bordéis masculinos] and a cross-dresser [travesti] who, from their first meeting, had been mesmerized by Ashley and by her reality, which was greater, so he said, than any fantasy he could have conceived for himself. It took a while for Ashley, along with her medical and legal advisors, to realize what Corbett was trying to do. He was, in her words, portraying their marriage as a "squalid prank [brincadeira], a deliberate mockery [escárnio, gozação] of moral society perpetrated by a couple of queers [viados, bichas] for their own twisted amusement."

Corbett's strategy was successful: the marriage was annulled. The case is commonly seen as having set back the cause of transsexual women and men for decades. Transsexual people lost all marriage rights for more than thirty years. The decision ruled out any change to their birth certificate, a right they had enjoyed since 1944, and thereby denied them legal recognition of their gender. Only with the Gender Recognition Act of 2004 was the law changed to permit transsexuals to marry, on condition that they first obtain a Gender Recognition Certificate.

For Justice Ormrod, the case — "the first occasion on which a court in England has been called on to decide the sex of an individual" — was straightforward. Because Ashley had been a boy at birth, she should be treated as a male in perpetuity. The suggestion that she be categorized as intersex was dismissed: medical evidence attested that she was born with male gonads, chromosomes, and genitalia. Although there had been only minimal development at puberty — no facial hair, some breast formation, and what Ashley referred to as a "virginal penis" because of its diminutive size — the judge also ruled out these factors (he believed the breast formation had been artificially induced by hormones). That Ashley had undergone full surgical genital reconstruction — there had been some (unsatisfactory) penetrative sex between her and Corbett — made no difference: "The respondent was physically incapable of consummating a marriage, as intercourse using the completely artificially constructed cavity could never constitute true intercourse" (what would constitute "true intercourse" is not specified). Ashley was not, to Ormrod's mind, a woman. This was much more relevant, as far as Ormrod was concerned, than asking whether or not Ashley was still a man.

Adapted from the London Review of Books May 5, 2016

Introduction

This passage, adapted from an article in the London Review of Books, looks at a landmark British court case involving one man's attempt to annul his marriage to a transsexual, that is, to a man who had transitioned from male to female through medical procedure.

In his article, the author presents information about the two contending parties and discusses the ramifications of the case and of the judge's decision. Read the text and answer the questions below. You are advised to read the questions carefully and give answers that are of direct relevance. Remember: Your answer to Question 1 must be written in Portuguese, but your answers to Questions 2 and 3 must be written in English. With these last two questions, you may use American English or British English, but you must be consistent throughout.



				^	
п	М	C	ш	EC	
- 1	IV	VI.	ш	EB	

Question 1 (to be answered in Portuguese)

(This question tests your understanding of the text, as well as your ability to identify and paraphrase the relevant pieces of information. You should write approximately 120 words.)

As outlined in the passage, in 1969 Arthur Corbett went to court in order to annul his marriage to April Ashley, a well-known male-to-female transsexual. In your own words, what was Corbett's main argument, and how did Ashley react to that argument? In what ways did this case affect the situation of transsexual people in the United Kingdom? Nowadays, how does the United Kingdom deal with the question of marriages involving transsexuals?

According to Justice Ormrod, what was unique about this case? Moreover, what were his reasons for his verdict? In your opinion, was Justice Ormrod's decision fair and well thought-out or flawed and unjust? In supporting your point of view, you may take into account legal, ethical, and practical considerations, but please try to be as objective as possible.

RESPOSTA			
0 ————			
5			
			NOTA
			NOTA

VISTO CORRETOR SALA: ORDEM: ID:



INGLÊS

Question 2 (to be answered in English)

(This question tests your ability to express yourself in a manner that is clear, precise, and relevant. You should write approximately 120 words.)

The question of transgender rights goes beyond marriage to include issues such as who may or may not use which public bathroom. For example, in its May 14, 2016 edition, the *Estado de S. Paulo* newspaper presented the following information:

"The United States government will orient all of the country's public schools to allow students to use bathrooms that are congruent with their gender identity. Although the document formalizing this decision, signed by authorities of the Department of Education and the Department of Justice, does not have the force of law, it does contain the implicit threat that schools refusing to comply with the federal government's legal interpretation may be sued or lose government assistance.

"A federal lawsuit has been filed against the state of North Carolina and its governor, Pat McCrory [of the Republican Party], because of a state law obliging members of the lesbian, gay, bisexual, and transgender (LGBT) community to use public bathrooms in accordance with the sex indicated on their birth certificates.

"There is no room for discrimination of any kind in our schools, including discrimination against transgender students because of their sex,' said U.S. Attorney-General [Ministra da Justiça] Loretta Lynch, in an official statement. 'This directive gives administrators, teachers, and parents the tools they need to protect transgender students.'

""No student should ever go through the experience of not feeling welcome at a school or a university campus,' said the Secretary of Education, John King Jr.

Keeping in mind that the U.S. federal system gives a certain autonomy to individual states in matters of public education — an area that of course includes school bathrooms — in your opinion, who is right, or at least more right, in this controversy, the state of North Carolina or the U.S. government? In other words, should students who were male at birth be restricted to male bathrooms and students who were female at birth be restricted to female bathrooms? Or should transgender students be allowed to use the bathroom (male or female) that corresponds to their chosen sex? In answering, you should present clear, well-balanced reasons for your point of view and also discuss what consequences, good or bad, may arise from any decision regarding how transsexuals may use public-school bathrooms.

(You may also consider the fact that for many years the state of North Carolina, like other states in the U.S. South, did not allow Whites and African-Americans to use the same schools and public bathrooms, or even to get married. Clearly racist and unconstitutional, these laws have been abolished.)

RESPOSTA		
5		
10		
10		
15 —		
		NOTA



INGLÊS

Question 3 (to be answered in English)

(This question tests your ability to construct a balanced, considered, and fluent argument in the form of a short composition. The quotations below underscore aspects of the transgender-rights issue. Read the quotations and answer the question. You should write approximately 120 words.)

Article 5 of Brazil's 1988 Constitution declares the following:

"Everyone, regardless of any distinction, is equal before the law, and so the inviolable right to life, liberty, equality, security, and property is guaranteed to Brazilians and to foreign residents of the country."

In her May 16, 2016 article ("Bathrooms and Democracy") in the Estado de S. Paulo newspaper, the journalist Lúcia Guimarães, unmistakably on the U.S. government's side in the school-bathroom controversy, points out that Americans identifying themselves as transgender make up only 0.3% of the U.S. population. "It would be hard," she writes, "to find another minority facing such a steep uphill anti-discriminatory battle."

Guimarães goes on to mention that the conservative Christian media, appealing to sensationalism, have accused Barack Obama's government of facilitating sex crimes, increasing the risk that students will be abused in bathrooms when boys lie about their gender in order to attack girls. And she adds "... the great challenge for transsexual women and men, in a country still so religious, is to eradicate the stigma of perversion associated with transgender sexual identity. This stigma is at the heart of much of the fear and prejudice this minority generates."

Therefore, considering the above quotations, plus the material presented in Question 1 and Question 2, where do you stand with respect to the rights of transsexual women and men in Brazil? Should they be allowed to marry? Should their official sexual identity be their birth sex or their chosen sex — or should they be categorized as intersex? Who should decide these classifications? Moreover, as for public-school bathrooms (keeping in mind that, as Lucia Guimarães highlights in her article, adolescence is "...a period of intense anguish about the body"), what rights should transgender students have? Would it make sense to build special bathrooms to accommodate such students? Why or why not?

Summing up, should Article 5 of the Constitution be obeyed to the letter, or should it be obeyed selectively for reasons of tradition, religion, or personal preference? How will equal rights (or restricted rights) for transsexuals help or hurt Brazil?

In answering, you may take into account legal, ethical, practical, and even religious considerations, but please strive to be as clear-sighted and logical as possible, supporting your point of view with specific arguments and examples.

Г	RESPOSTA	
	NEST OSTA	
5		
10		
15		
		NOTA
L		

VISTO CORRETOR SALA: ORDEM: ID: