

# 2017

---

1º Semestre



Inglês

## VESTIBULAR FGV

---

GRADUAÇÃO EM DIREITO SP

GRADE DE CORREÇÃO

**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.

## INGLÊS

**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**

O principal argumento de Corbett foi que, na época do casamento, Ashley era de fato uma pessoa do sexo masculino. Corbett, que se apresentou como um travesti e frequentador de bordéis masculinos, alegou que tinha ficado mesmerizado pela realidade de Ashley, a qual era maior de qualquer fantasia que ele poderia ter concebido para ele mesmo. Ashley reagiu por dizer que Corbett estava tentando retratar o casamento deles como uma brincadeira sórdida, uma deliberada gozação da sociedade moral perpetrada por um casal de *gays* por seu próprio divertimento doentio.

O caso é comumente visto como tendo retardado a causa de homens e mulheres transexuais por décadas no Reino Unido. Os transexuais perderam todos os direitos ao casamento por mais de trinta anos. A decisão proibiu qualquer mudança em suas certidões de nascimento, um direito de qual tinham gozado desde 1944, e assim negou a eles reconhecimento legal de seu gênero.

Atualmente, no Reino Unido, a Lei de Reconhecimento de Gênero, promulgada em 2004, permite que os transexuais se casem, desde que eles primeiramente obtenham um Certificado de Reconhecimento de Gênero.

O juiz Ormrod disse que o caso foi "a primeira vez que um tribunal na Inglaterra foi solicitado para decidir o sexo de um indivíduo." Em outorgar a anulação do casamento, ele afirmou que como Ashley nasceu um menino – com gônadas, cromossomos e genitália masculinas – deveria ser tratado como tal para sempre.

Embora eu acredite que a decisão do juiz Ormrod faz sentido de um ponto de vista estritamente biológico, também acredito que é um exagero declarar que o casamento nunca foi consumado. Afinal, é óbvio que Corbett e Ashley tinham praticado sexo de alguma maneira. Julgar se essa "penetração" era verdadeira ou não parece fora do âmbito de um oficial da justiça. Aparentemente, o juiz Ormrod raciocinou assim: já que dois homens não podem se casar na Inglaterra, Corbett e Ashley não são casados.

**(315 palavras)**

**GRADE DE CORREÇÃO:**

- A resposta inteira é copiada de partes do texto, dado que não respondem à pergunta OU a resposta é incompreensível. **(0- zero)**
- O candidato identifica no artigo apenas uma das informações esperadas, e a linguagem é pouco coesa, desarticulada, o que impede a compreensão e indica fluência insatisfatória. Vocabulário inadequado: muito básico e repetitivo, apresenta várias palavras "inventadas", além de muitas falhas de ortografia. Presença de inúmeros erros básicos. **(25% de acerto)**
- O candidato identifica no artigo duas das informações esperadas, mas seu português é artificial, pouco natural, apesar de isso não ter constituído obstáculo para a compreensão. Linguagem pouco coesa, fluência satisfatória, ainda que medíocre. Vocabulário básico e repetitivo, falhas frequentes de ortografia e alguns erros básicos. A resposta também revela falta de domínio da língua inglesa. **(50% de acerto)**
- O candidato identifica duas ou mais das informações esperadas do artigo e usa alguma estrutura de formulação de resposta (introdução, argumentação, conclusão). Linguagem fluente, geralmente natural e coesa, algumas partes isoladas um tanto imprecisas/mal construídas, contudo, sem prejuízo para a compreensão da resposta. Vocabulário adequado, mas repetitivo ou não refinado. Falhas de ortografia, mas poucos erros básicos. A redação permite leitura fácil. **(75% de acerto)**
- O candidato identifica duas ou mais das informações corretas do artigo e usa estruturas de formulação de resposta (introdução, argumentação, conclusão). Português fluente, sempre natural e coeso. Vocabulário adequado e refinado, sem erros básicos. A redação permite leitura muito agradável. **(100% de acerto)**

---

 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**

Obviously, a person’s sexual identity and sense of what is sexually normal and abnormal are highly personal. And it’s also obvious that people may be repelled by or fearful of what they perceive as sexually strange, unnatural, or morally objectionable. But why should a subjective point of view prevent a transsexual student from using certain bathrooms? For example, if a female-to-male transsexual student looks like a boy and feels like a boy – and feels comfortable using the boys’ bathroom – wouldn’t it be humiliating and unjust to force him to use the girls’ bathroom? And what if the girls don’t want him either, that is, what if they too find him repugnant or threatening, is he then supposed to relieve himself in an alley somewhere? I think it is safe to say that in civilized countries, going to the bathroom is recognized as a necessity. And since the idea of a “public bathroom” – and certainly boys’ and girls’ bathrooms in public schools fit that term – is to give the public a discreet place to take care of certain biological functions, it seems almost inhuman to deny that opportunity to someone because his or her sex isn’t what some people think it should be.

Therefore, I believe the U.S. government took the correct decision. Just because a man or a woman – or a boy or a girl – has gone through a radical, life-changing surgery doesn’t mean that he or she is no longer worthy of certain rights. Public bathrooms are for the public, and that includes transsexuals. **(255 words)**

**GRADE DE CORREÇÃO:**

- A resposta inteira ou a maior parte dela é copiada do texto dado, e o pouco de autoria do candidato contém muitos erros, OU a resposta é muito curta e contém muitos erros, OU é muito curta e demonstra falta de compreensão do texto e/ou da pergunta, OU é incompreensível. **(0-zero)**
- Resposta bem estruturada, mas o argumento nem sempre é justificado, OU a resposta contém contradições, OU resposta com boa argumentação, mas muito curta, OU com alguns problemas de estrutura ou partes irrelevantes em relação ao tema. Inglês pouco coeso e impreciso, às vezes impedindo a compreensão e revelando fluência insatisfatória. Vocabulário inadequado: muito básico e repetitivo, com várias palavras “inventadas” e muitas falhas ortográficas. Vários erros básicos. **(25% de acerto)**
- Resposta bem estruturada e relevante, mas alguns argumentos não são justificados, OU resposta contendo contradições, OU resposta apoiada em bons argumentos e justificada, mas com alguns problemas de construção ou partes irrelevantes para o tema. Inglês pouco natural, não chegando a representar obstáculo para a compreensão. Linguagem pouco coesa que revela fluência satisfatória, ainda que medíocre. Vocabulário um tanto básico e repetitivo, frequentes falhas ortográficas e alguns erros básicos. A resposta indica falta de domínio da língua inglesa. **(50% de acerto)**
- Resposta bem estruturada e relevante, mas nem todos os argumentos estão justificados, OU a resposta contém contradições. Inglês fluente, geralmente natural e coeso, mas apresenta partes isoladas um pouco desarticuladas, sem prejuízo, porém, da compreensão. Vocabulário adequado, mas repetitivo ou não refinado. Falhas ortográficas, mas sem erros básicos. A redação revela razoável domínio da língua inglesa escrita. **(75% de acerto)**
- Resposta bem estruturada e relevante, justificando com lógica o argumento. Inglês fluente, sempre natural e coeso. Vocabulário adequado e de bom nível, sem falhas gráficas nem erros básicos. **(100% de acerto)**

---

 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.

**RESPOSTA**

Even a cursory glance at the Brazilian Constitution's Article 5 leaves no doubt as to its intent: "Everyone, regardless of any distinction, is equal before the law" means exactly that – everyone. I have no interest in hearing about how tradition, religion, or personal preference could be reasons to deny rights to any person. That kind of argument leaves the door open to oppression and dictatorship. After all, the Nazis had strong reasons based on tradition, religion, and personal preference to murder millions of innocent people. Do we want to go through something like that again? So I don't believe equal rights for transsexuals will hurt Brazil, but I would be worried about restricted rights, because taking away rights for subjective reasons sets a dangerous precedent: if the government can do it to transsexuals, it can do it to other people as well.

Therefore, in my opinion, Article 5 protects transsexuals – period. Let them marry; let them adopt children, if they want. As for their "official sexual identity," I imagine that the government could categorize a transsexual as male if he had surgery to be male and as female if she had surgery to be female. As for intersex, well, if the person really is in between, why not make that an official category too?

Last, special bathrooms for transgender students strikes me as not only absurd but also prohibitively expensive: Imagine if every public school in the country had to install five bathrooms – one for boys, one for girls, one for male-to-female transsexuals, one for female-to-male transsexuals, and one for intersex. Boys' bathrooms and girls' bathrooms are enough for any school. **(270 words)**

**GRADE DE CORREÇÃO:**

- A resposta inteira ou parte dela é copiada do texto dado, e o pouco de autoria do candidato contém muitos erros, OU a resposta é muito curta e apresenta muitos erros, OU é muito curta e demonstra falta de compreensão do texto e/ou da pergunta, OU é incompreensível. **(0-zero)**
- Resposta bem estruturada, mas nem todos os argumentos estão justificados, OU a resposta contém contradições, OU apresenta bons argumentos, mas é muito curta, OU as frases não são bem construídas, OU apontam partes irrelevantes para o tema. Inglês pouco coeso e desarticulado, impedindo, por vezes, a compreensão e sugerindo déficit de fluência. Vocabulário insuficiente e inadequado: muito básico e repetitivo, várias palavras "inventadas". Muitas falhas ortográficas e vários erros básicos. **(25% de acerto)**
- Resposta bem estruturada e relevante, mas nem todos os argumentos estão justificados, OU resposta contendo contradições, OU resposta bem fundamentada, mas com falhas de construção ou aproveitamento de partes irrelevantes para o tema. Inglês pouco natural, mas sem prejuízo para a compreensão. Linguagem pouco coesa, indicando fluência satisfatória, ainda que medíocre. Vocabulário um tanto básico e repetitivo, inúmeras falhas de ortografia e alguns erros básicos. Domínio insuficiente da língua inglesa. **(50% de acerto)**
- Resposta bem estruturada e relevante, mas alguns argumentos não justificados, OU resposta contendo contradições. Inglês fluente, geralmente natural e coeso, mas com partes isoladas um tanto desarticuladas, sem impedir, porém, a compreensão da resposta. Vocabulário adequado, mas repetitivo ou não refinado. Falhas de ortografia, mas sem erros básicos. Leitura agradável. **(75% de acerto)**
- Resposta bem estruturada e relevante, justificando com lógica o argumento. Inglês fluente, sempre natural, coeso e excelente para a leitura. Vocabulário adequado e de bom nível, sem erros básicos. **(100% de acerto)**

\* São aqui considerados "erros básicos" aqueles cometidos nas seguintes estruturas: Presente simples; Gerúndio; Present perfect; Passado simples; There is, there are; Futuro com "will" e com "to be going to"; Pronomes pessoais, possessivos, objeto e relativos; Possessive adjectives; Concordância nominal ou verbal; Comparativos e superlativos; Genitivo (possessivo com "'s"); Some-, any- e no-; Ortografia de palavras comuns ou que apareciam no texto; Confusão entre formas do singular e do plural.

Exemplos de erros não básicos incluem: falhas gráficas em palavras de ortografia difícil, preposições, infinitivo/gerúndio, past continuous, present perfect continuous, past perfect, past perfect continuous, future perfect, subjuntivo, condicionais.