



美墮胎權問題再起波瀾

U.S. judicial crisis over abortion rights intensifies social divisions

原文

下文摘錄自5月4日香港《文匯報》：美國政治新聞網站Politico日前披露一份罕有外洩的最高法院(Supreme Court)意見初稿，顯示最高法院已決定推翻1973年「羅訴韋德案」(Roe v. Wade)中，保障全國婦女合法墮胎權(abortion)的裁決，或會影響美國維持近半個世紀的墮胎合法化。作為多年來美國政治社會爭議焦點之一，墮胎權之爭勢必再次激化當地社會分歧(division)。法學家更擔心這次「史無前例」(unprecedented)最高法院裁決文件外洩，或會嚴重破壞美國司法系統運作程序。

Politico自稱從一名熟知密西西比州(Mississippi)法院訴訟程序人士處，收到這份長達98頁、附帶31頁各州墮胎法歷史附錄的意見初稿副本。最高法院大法官阿利托(Samuel Alito)在這份「主要意見書」(Majority Opinion)中罕有直言，「羅訴韋德案」從一開始就「大錯特錯」(Egregiously wrong)，而且推理(reasoning)非常薄弱，產生破壞性後果，非但遠未促成解決全國性墮胎問題，反而引發爭論還加深分歧。

在「羅訴韋德案」中，最高法院以7比2大比數裁定，女性墮胎權受到憲法(Constitution)私隱權(right to privacy)保護。1992年，最高法院還在「凱西案」(Casey)中裁定女性可在胎兒於子宮外存活前，即孕22至24周均享有墮胎權。但阿利托表示憲法沒有明確提及墮胎權，且任何憲法條款都未隱晦保障該項權益，墮胎權並非深植於美國歷史傳統，「現在是時候關注憲法，並將墮胎問題交還給民選代表(elected representatives)。」

美國最高法院就某項案件作出裁決時，通常會由

首席大法官(chief justice)，或裁決多數派一方最資深的大法官撰寫「主要意見書」，以表達法官在裁決中的立場和理據。這份「主要意見書」會經過多次修改，前後可能需時數個月，因此偶爾會有大法官在正式裁決前，改變原有立場。在這份「主要意見書」初稿中，裁決據報獲得5名保守派(conservative)大法官贊成，首席大法官羅伯茨(John Roberts)投票意向則暫未確定。

「羅訴韋德案」可能被推翻的消息一出，眾議院議長佩洛西(Nancy Pelosi)及參議員多數黨領袖舒默(Chuck Schumer)便表態反對，更直斥此舉是現代歷史上最具破壞性的決定之一。前國務卿希拉里(Hillary Clinton)也批評稱，裁決會直接攻擊女性尊嚴(dignity)、權利和生命。多名共和黨籍議員則表明贊成裁決。

法學專家還指出，與白宮(White House)和國會(Congress)不同，最高法院向來都嚴格保密內部審議結果，幾乎從未出現重要裁決外洩的情況。聖路易華盛頓大學(Washington University in St. Louis)法學教授艾普斯(Lee Epstein)坦言，今次事件是嚴重違反法院規定。關注最高法院運作的法律博客SCOTUSblog也稱，「就法官和員工之間的信任(trust)破壞而言，今次引發的『地震』如何誇大都不為過。」

消息公布僅數小時後，數以百計示威者在深夜湧至最高法院大樓門外。有反墮胎人士即場彈奏結他慶祝，高呼口號以示聲援。支持墮胎權益者則手持「墮胎關乎生命健康」等標語抗議，人群更一度有「做點什麼吧，民主黨人！」的呼聲。



美國最高法院決定推翻1973年「羅訴韋德案」裁決的消息傳出後，數百名支持與反對者聚集最高法院前以捍衛自己的理念。圖為支持與反對兩方在最高法院前對峙。

Q&A

1. 據統計，美國逾60%的墮胎者來自什麼群體？
2. 墮胎者的年齡段大多數為多少歲？
3. 民調顯示有多少美國人支持墮胎合法化？
4. 美國目前有多少個州有墮胎禁令？
5. 墮胎爭議涉及對什麼權利的討論？

1. 少數族裔如非裔、西班牙裔婦女等 2. 20多歲 3. 70% 4. 26個 5. 生命權(Right to life)

ANSWER

譯文

The U.S. political news website Politico has revealed an initial draft majority opinion of the Supreme Court few days ago, showing that the court has decided to strike down the landmark 1973 Roe v. Wade decision, ending a half-century guarantee of protection for a woman's right to abortion. As one of the long-standing focuses of political and social controversy in the country, the dispute over abortion rights is bound to intensify national divisions again. Some jurists have even claimed that such unprecedented leak of the Supreme Court draft documents might seriously disrupt the operation of the federal court system.

Politico claimed to have obtained a copy of the 98-page draft opinion, with a 31-page appendix on the history of state abortion laws, from a person familiar with the Mississippi court proceedings. Justice Samuel Alito rarely stated in this "Majority

Opinion" that Roe v. Wade was "egregiously wrong" from the start, and its reasoning was exceptionally weak, resulting in damaging consequences far from bringing about a national settlement of the abortion issue but enflaming debate and deepening division.

The Supreme Court issued a 7-2 decision in Roe v. Wade that a woman's right to abortion is protected by the Constitution's right to privacy, while the court also ruled in 1992 in the Casey case that women are even given the right to abortion while the fetus can survive outside the womb, i.e. until they are 22 to 24 weeks into pregnancy. However, Alito argued that the Constitution made no reference to abortion, and no such right was implicitly protected by any constitutional provision, implying that it was never rooted in U.S. history and tradition. "It is time to heed the Constitution and return the issue of abortion to the people's elected representatives," he wrote.

Under long-standing court procedures, when a decision of the Supreme Court is made on a particular case, the chief justice or the most senior justice in the majority would usually write a draft of the court's opinion, documenting the justices' position and rationale in the decision. The draft is often amended that it might take several months for finalization, creating the possibility that the justices might change their votes before the formal ruling. The draft opinion is reportedly supported by five conservative justices, whereas how Chief Justice John Roberts will ultimately vote is still unclear.

Knowing that the Roe v. Wade decision might be overturned, House Speaker Nancy Pelosi and Senate Majority Leader Chuck Schumer expressed their objection, describing that it is one of the most destructive decisions in history. Former Secretary of State Hillary Clinton also commented that it is a direct assault on the dignity, rights and lives of women. Yet, the ruling is supported by several Re-

publican lawmakers.

Certain legal experts said that unlike the White House and Congress, the Supreme Court has always kept the results of its internal deliberations strictly confidential, and there has never been any leak of important court files. Lee Epstein, a law professor at Washington University in St. Louis, considered the incident as a serious violation of court rules. SCOTUSblog, the law blog that pays close attention to the operation of the Supreme Court, said "it's impossible to overstate the earthquake this will cause inside the Court, in terms of the destruction of trust among the Justices and staff."

Just hours after the unprecedented leak of the court documents, hundreds of protesters gathered at the Supreme Court, with anti-abortion activists playing guitar to celebrate and chanting slogans to show support; while abortion rights supporters chanted back "abortion is healthcare" and shouted "do something Democrats!"

長生若未能不老 不死或許更恐怖

恒 大英萃

隔星期一見報

「福如東海，壽比南山，松柏長青，萬壽無疆」是祝壽常用敬辭，有祝願長輩長命百歲、福祿永存的意思。反之，凋謝枯萎、終結死亡等概念皆被視為禁忌，沒需要就不要提了，大吉利是嘛。

不過，聖經的《傳道書》教導信徒：「For everything there is a season」(凡事都有定期)，經文更特別提到「a time to be born and a time to die」(生有時，死有時)。

生死有時，屬大自然定律，死亡並不可怕，長生不死卻有狗恐怖。

永生先知求一死

英國詩人 T. S. 艾略特在《荒原》(The Waste Land)的前言裏引用古羅馬的《愛情神話》(Satyricon) 作典故，讓讀者見識到「求死不能」的痛苦，英文翻譯如下：For once I myself saw with my own eyes the Sibyl at Cumae hanging in a cage, and when the boy said to her "Sibyl, what do you want?" she replied, "I want to die." (我親眼看見古羅馬的女先知西貝爾懸掛在籠中，男孩問她：「西貝爾，妳想要什麼？」她回答：「我欲求一死。」)

根據佩托尼奧(Petronius)的《愛情神話》，這位可憐的女先知西貝爾是被太陽神阿波羅(Apollo)作弄

了。西貝爾曾向神許願，希望可以長生不死，阿波羅見聖殿中的西貝爾貌美如花，就賜給她永恒的生命。西貝爾始料不到的是，長生不死並不等於青春永駐，時光流逝，她的家人朋友逐一離世，而她也斷老，不死之軀枯乾萎縮至骨頭也撐不下去了，全身癱軟的她只好整個人爬進瓶子裏，被放在籠中，掛在樹上，絕望又無力地吐出神諭。

女先知因一時的狂妄貪念招來「求生不得、求死不能」的詛咒，實在是世間最大的悲劇。

浪漫吸血鬼 一樣受詛咒

除了西貝爾之外，伯蘭·斯托克(Bram Stoker)的吸血鬼伯爵德古拉(Count Dracula)亦擁有永生不死之軀。哥普拉導演(Francis Ford Coppola)更於電影《驚情四百年》中把加利奧文(Gary Oldman)所飾演的德古拉拍得浪漫唯美，擁着情人美娜(Mina Harker)情深款款地說：「I have crossed oceans of time to find you.」(我跨越時間的海洋去尋覓你。)可是浪漫到盡頭，德古拉還是不得不承認：「You will be cursed as I am to walk in the shadow of death for all eternity.」(你會和我一樣受到詛咒，在死亡的陰影下行走，直至永遠。)

人類想「cheat death」(永生不死)難乎其難，不過透過文學之門，我們還是有機會的。無論是永垂不朽的經典文學，還是文學作品中的永垂不朽，隱含着的，都是永恒的祝福。

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趣談英語

逢星期一見報



LearnEnglish Teens

Using colours to do homework

Read the text about using colours to organise homework and do the exercises.

Here are some ideas about how you can use colour coding to organise your homework.

To start you need a few things from the stationery shop. They are all cheap. You need coloured pens and pencils, sticky notes, page markers, glue and folders.

First, I choose a different colour for each school subject. The colour I choose has to be easy to remember so I make sure it means something to me. Maths is green because my ruler is green. PE is yellow because my trainers are yellow. I use the cheapest folders and I add a coloured sticky note to the front. I keep all my notes for that subject inside the different folders.

I use a lot of sticky notes. The blue notes are for history because my history teacher has a blue car. The black notes are for geography because one day I want to visit the Black Sea. I mark the pages in school books I need to read for homework. I use two coloured page markers to mark where it starts and ends.

Finally, I have a wall calendar. I use stars to remind me of important dates. I have a green star on Friday to show I have a maths test. There's a pink circle to show I've got French homework for Monday. It's pink because "pink" is "rose" in French.



Activity 1 - Check your understanding: matching

Match the subjects with the colours and write a - e next to the numbers 1 - 5.

1. green	a. French
2. yellow	b. geography
3. blue	c. PE
4. black	d. history
5. pink	e. maths

Discussion

How do you organise your school homework?

Answers Activity 1 1. e; 2. c; 3. d; 4. b; 5. a

To find more English language activities visit www.britishcouncil.org/learnenglish teens

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