



美最高法院推翻墮胎權引發全國示威

Nationwide protests go on after U.S. Supreme Court overturns abortion rights

原文

下文摘錄自6月26日香港《文匯報》：美國最高法院（Supreme Court）正式推翻1973年「羅訴韋德案」（Roe v. Wade）的裁決，廢除對女性墮胎（abortion）權的憲法保障。有保守派（conservative）大法官更在意見書中明確指出，日後裁決或還會針對婚內避孕（contraception）和同性婚姻（same-sex marriage）等議題。隨著今次裁決在全美掀起一片抗議浪潮，法律界普遍憂慮立場愈趨保守的最高法院，未來恐會繼續逆民意而行，令美國人權（human right）大幅倒退。

在推翻「羅訴韋德案」的裁決中，最高法院立場最保守的大法官托馬斯（Clarence Thomas）於意見書中明言，「在未來的案件中，我們應該重新考慮本法院所有實質性正當程序先例，包括格里斯沃爾德案（Griswold）、勞倫斯案（Lawrence）和奧貝格費爾案（Obergefell）。任何實質性正當程序決定都是明顯錯誤的……我們有責任糾正這些先例定下的錯誤。」

托馬斯提到的三宗案件，分別於1965年、2003年及2015年作出裁決，按順序對應保護婚內避孕、同性性行為及同性婚姻權益。根據過往裁決，美國民眾的避孕權利及性小眾群體（sexual minority）權益都得到憲法（constitution）保障。但若最高法院未來仿效今次決定，推翻這些裁決，勢必再度衝擊美國民眾的權利。

最高法院其他保守派大法官並未表態跟隨托馬斯的主張，負責撰寫推翻「羅訴韋德案」主要意見書的大法官阿利托（Samuel Alito）也表明，今次裁決「不應被視為針對過往其他判例的威脅」。但在措辭激烈的反對意見書中，3名自由派大法官明確反對阿利托的說法：「只有一種可能，主要

意見書的表態是虛偽的，否則便是其他獲憲法保障的權利正受到威脅。」

今次裁決在全美引發大規模示威（demonstration）浪潮，遍布各大城市。裁決公布後，當天全美便有至少70場抗議活動進行。在首都華盛頓（Washington, D.C.）的最高法院大樓外，支持與反對墮胎權兩派都有大批民眾聚集，歡呼聲與抗議聲不絕於耳，「一邊是哀悼、一邊是慶祝」的場景，正是美國社會分歧（division）根深蒂固的縮影。

支持墮胎自由的組織「捍衛選擇權」的成員在抗議期間，當街焚燒美國國旗，圍觀者爆發歡呼。曾在「黑人的命也是命」（Black Lives Matter）運動中屢次出現的極左（far-left）組織Antifa也舉行示威，其成員身穿黑衣，高呼暴力口號，其間還衝破警方防線。

喬治華盛頓大學（George Washington University）法學教授伯曼（Paul Schiff Berman）指出，美國民眾近年對最高法院的信任已受到動搖，今次裁決再次削弱最高法院的公信力（credibility）。民調機構蓋洛普（Gallup）本月進行的民調便顯示，只有25%美國成年人對最高法院裁決感到「非常或較有信心」，是過去近50年來最低，伯曼認為，民調能反映最高法院愈趨逆民意而行，「最高法院朝極端保守（ultra-conservative）方向發展，但美國民眾在這些議題上更趨進步（progressive）。」

亦有分析強調，考慮到保守派勢力有望未來十多年在最高法院繼續佔絕對優勢，共和黨（Republican Party）料會抓住機會，力求擴大保守勢力在司法領域的影響力。民主黨（Democratic Party）則會尋求透過立法途徑，維護部分進步派主張。相信今次裁決引發的法律和社會爭議會愈趨激烈，對美國政治也將帶來深遠影響（impact）。



◆ 挺墮胎權婦女在美國最高法院外高舉示威牌。資料圖片

Q&A

1. 民調顯示有多少美國民眾反對推翻「羅案」？
2. 美國此前最少有多少個「墮胎合法州」？
3. 美國目前有多少個州已完全禁止墮胎？
4. 反對和支持墮胎權的兩派分別稱為什麼？

Answer
1. 59% 2. 22個 3. 6個 4. 挺命派（pro-life）、選擇派（pro-choice）

譯文

The U.S. Supreme Court has officially reversed the 1973 Roe v. Wade recently, eliminating the constitutional right of women to abortion. Some conservative justices have clearly stated in their opinion that the rulings on contraception and same-sex marriage might also be reconsidered in future. As the ruling has triggered a wave of protests and outrage across the country, the legal community is worried that the Supreme Court, which has become increasingly conservative, would continue to go against public opinion, thus bringing about a major setback to human rights in the country.

In overturning Roe v. Wade, Clarence Thomas, widely considered to be the court's most conservative justice, wrote in a concurring opinion that "in future cases, we should reconsider all of this Court's substantive due process precedents, including Griswold, Lawrence, and Obergefell. Because any substantive due process decision is 'demonstrably erroneous,' we have a duty to 'correct the er-

ror' established in those precedents."

The decisions of the three landmark cases mentioned by Justice Thomas were made in 1965, 2003 and 2015, respectively, protecting the rights of married couples to contraception, the rights to same-sex sexual activity and the rights of gay couples to marry. According to past rulings, the rights of the American people to contraception and the rights of sexual minorities are protected by the constitution. However, if the decision of the court this time is to be followed such that the past rulings might also be overturned, this would inevitably initiate new challenges to the rights of the American people.

Other conservative justices of the court did not follow Thomas' opinion, and Justice Samuel Alito who wrote the majority opinion also emphasized that "nothing in this opinion should be understood to cast doubt on precedents that do not concern abortion."

However, the court's three liberal justices filed a dissenting opinion opposing the decision, saying that "there is only one possibility that the statement in the

opinion is false, or other constitutionally guaranteed rights are being threatened."

The abortion decision sparked a wave of large-scale demonstrations across major cities of the country, with at least 70 protests planned in various locations. A large number of supporters and protesters of the ruling gathered at the high court's building in Washington, D.C., cheering and protesting the decision, respectively. Demonstrations condemning or celebrating the ruling were actually reflecting the deep societal divisions of the country.

Pro-abortion rights protesters burned the American flag during the demonstration, with people cheering loudly. Antifa, the far-left extremist group active in the "Black Lives Matter" moment, also joined the protest with its members dressing in black, chanting slogans and attempting to break through the police cordon line.

Paul Schiff Berman, a law professor at George Washington University, pointed out that public trust to the Supreme Court has been weakened in recently

years, and such decision would further undermine the credibility of the court. According to a Gallup poll conducted this month, only 25% of U.S. adults said they have "a great deal" or "quite a lot" of confidence in the court, reaching a historic low over the past 50 years, while Schiff Berman believed that this is a reflection that the court is moving against public opinion. "It is moving towards an ultra-conservative direction, despite the fact that the American people as a whole are becoming increasingly progressive over these issues," he said.

According to some analysts, as the Supreme Court is expected to be dominated by conservative forces in the next decade, the Republican Party would therefore seize the opportunity to expand the influence of conservative forces in the judicial field, while the Democratic Party would seek legislative means in defense of some progressive claims. It is believed that the ruling this time would definitely increase legal and social disputes and could have a profound impact on American politics.

提升批判素養 迎接數碼時代

恒大英萃

隔星期一見報

在數碼時代，各類搜索引擎使得我們可以快速找到各方面的相關信息。很多時候，當我們在搜索引擎輸入一個關鍵字，便會不假思索地認為所有的搜索結果都一定是真實可靠的。其實不然，很多時候，網絡上的信息都是虛假而具有誤導性的。面對鋪天蓋地的網絡信息，我們一定要學會批判性思考，提升自己的批判素養（Critical literacy）。批判素養是數碼素養的一部分，指的是在閱讀網絡信息的過程中，讀者不是被動接受信息，而是積極參與閱讀過程，對相關信息進行批判性的反思。

那如何提升我們的批判素養？筆者有以下建議：首先，我們要提醒自己，搜索引擎提供的信息是存在偏差（bias）的。比如，在最常見的搜索引擎Google鍵入Professor這一關鍵詞，並選擇相關圖片，我們會發現教授的形象大多以西方男性為主，並且戴眼鏡的居多。這就會給人一種錯覺，認為大多數教授都是男性，並且來自西方國家。

其次，我們要知道，在處理網絡信息的過程中，我們自己的認知偏見（cognitive bias）也會導致對信息全盤接受。例如，驗證性偏差（confirmation bias）指的是我們常常會有選擇性地解讀或收集信息，來迎合自己已有的想法或假設。例如我們讀到一則新聞，說的是幾位亞洲學生獲得國際數學奧林匹克競賽的冠軍。我們會不會覺得這是很自然的事？因為這則新聞符合

我們的一種固有想法，那就是亞洲學生的數學要比其他地方的學生好一些。

信任偏差（trust bias）指的是我們盲目相信使用搜索引擎得來的結果是可信的。例如我們一旦想查找信息的時候就會去使用搜索引擎，而忽略了其他的信息來源，如書本。這是因為我們默認搜索引擎會帶給我們準確的信息。

可得性偏差（availability bias）指的是我們在決策時常常利用自己知道或容易得到的信息，而忽略其他信息。比如我們想買一款電話，隨後我們在搜索引擎鍵入關鍵字，並且只參考搜索出現的第一條結果而忽視其他搜索結果。認知偏見有很多種，所以我們需要了解不同種類的認知偏見，並提醒自己在閱讀網絡信息的過程中盡量不要受認知偏見的影響。

第三，我們可以在閱讀網絡信息時嘗試橫向閱讀（lateral reading）。當我們閱讀某個網站上的信息時，很容易會把自己局限在該網頁上的內容，而不去思考其內容的真實性。橫向閱讀指的就是我們閱讀網絡信息時，在瀏覽器內打開新的頁面來驗證正在閱讀信息的可靠程度。這種操作聽起來很簡單，可是我們在日常生活中卻不常用。

有一項實驗是讓三種人群驗證兩個網站的可信程度，包括高校學生、歷史學家和事實核實員。所有的事實核實員使用了橫向閱讀策略而得出了正確結論。相比之下，只有50%的歷史學家和20%的高校學生能得出正確結論。讀者也可以試著運用橫向閱讀策略來看看是否能得到正確答案。

總之，讓我們理解批判素養的重要性以及相關策略，做一個合格的數碼公民！

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逢星期一見報

BRITISH COUNCIL

LearnEnglish Teens

Seven tips for a tidy desk

How tidy is your desk? Having a tidy desk can help you be more productive and efficient. Read the tips for keeping your desk tidy and then make a discussion to practise and improve your reading skills.

1. Only keep things you really need on and near your desk.
Use a tray for any papers you have to read. Have a jar for pens and pencils and have a bin near your desk.
2. Don't keep any drinks on your desk.
Go to the kitchen when you want to have a drink or, if you prefer, keep a drink on a small table near your desk.
3. Reduce the amount of paper that you use.
Try to keep as much information as possible in folders on your computer. Before printing a document, ask yourself, 'do I really need to read this on paper?'
4. Scan your notes.
If you have a lot of paper (magazine articles, notes, worksheets, etc.), use a scanner and keep a digital version as a PDF on your computer.

Discussion

Where do you study when you are at home? Is it tidy or messy? What other suggestions do you have for keeping your workspace tidy?

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