

11月9日(日)

令和8年度
学士入学・一般編入学試験問題

法学部

教 養 科 目

— 注意事項 —

- 1 問題は3ページ、解答用紙は1枚である。
- 2 解答はすべて別紙解答用紙に記入しなさい。
- 3 試験時間は60分である。
- 4 試験時間中に辞書・電子辞書を参照することができる。

T12A・Y12A

問題 次の文章は、アメリカ合衆国連邦最高裁判事（史上2人目の女性判事）である Ruth Bader Ginsburg が2009年にパリ政治学院（Institut d'Études Politiques de Paris）の卒業式で述べた祝辞の一部である。この文章を読み、問1から問5に答えなさい。

Members of the faculty, graduating students and their families, and friends of *Sciences Po, I am glad to speak at this celebration. I have read of ⁽¹⁾Sciences Po's initiative to achieve excellence in diversity, made a priority by President Descoings. Through that initiative, talented students from all quarters of French society are drawn to this great school. The design is to deepen the complexion and life experiences of the student body and, eventually, the top ranks of government and business in France. Other institutions of higher education have copied the model set by Sciences Po, and ⁽²⁾that is a measure of the program's success.

In the United States, kindred efforts to embrace a wider society in schools and workplaces started in the late 1960s, and I have been told that *affirmative action—or what Europeans call positive discrimination—would be an appropriate topic for this talk.

I will begin with a few comparative side glances. Several post-World War II human rights charters recognize that a nondiscrimination principle alone will not ensure substantive equality. ⁽³⁾To combat centuries of inequality and to uplift people disadvantaged because they belong to long subordinated populations, many modern constitutions allow, or even require, affirmative action.

⁽⁴⁾Affirmative action in the United States has had a seesaw, up and down history. The term was coined in 1961, but implementation of the concept did not shift into high gear until the administration of Republican *President Richard Nixon. In 1969, Nixon's Labor Department published its pathmarking Philadelphia Plan, in large part to combat high rates of unemployment among African-American men, and to break down *nepotism in the construction trades. The plan required construction enterprises that held contracts with the Government to set goals and timetables for hiring minority workers. Enterprises that failed to comply risked termination of their contracts.

Within just a few years, the model was extended to cover the whole of the United States and all government contracts, including those held by universities. Coverage was also expanded to include women as well as racial and ethnic minorities. I was the beneficiary of the Nixon Administration's affirmative action effort when, in 1972, I was engaged by the Columbia University law faculty as the first woman ever to hold a *tenured position there.

（中略）

In sum, affirmative action measures are controversial because they send both inspiring and disturbing messages. Affirmative action has potential to lessen substantive inequality, foster diversity, and promote the economic and social well being of people raised in unprivileged communities. But they also charge that they unfairly discriminate against individuals not personally responsible for society's transgressions. I do not downplay the opposition, but balancing ⁽⁵⁾the pros and cons, I subscribe to what *Justice O'Connor wrote in the Michigan law school case: "[T]o cultivate . . . leaders with legitimacy in the eyes of the citizenry, . . . the path to leadership must be visibly open to the talented . . . individuals of every race and ethnicity." "Effective participation by members of minority groups and women in the civil life of our Nation is essential if the dream of one Nation, indivisible, is to be realized." We will all profit from a more diverse, inclusive society, understanding, accommodating, even celebrating our differences, while pulling together for the common good.

(出題のために一部修正したところがある)

注	Sciences Po	パリ政治学院の通称。
	affirmative action	積極的差別是正措置。アメリカ合衆国において、社会的・構造的な差別によって不利益を被っている者に対して、一定の範囲で特別の機会を提供することなどにより、実質的な機会均等を実現することを目的として講じる暫定的な措置（以上、内閣府・男女共同参画局 HP より）。日本では、ポジティブアクションとも言われる。
	President Richard Nixon	リチャード・ニクソン大統領（アメリカ合衆国の第37代大統領。ベトナム戦争からの米軍撤退やウォーターゲート事件等で知られる）。
	nepotism	縁故主義。
	tenured position	大学教員として終身在職権のある職位。
	Justice O'Connor	サンドラ・デイ・オコナー連邦最高裁判事。アメリカ合衆国史上初めて女性として連邦最高裁判事に就任した。

問1 下線部 (1) について、Sciences Po's Initiative とはどのようなものか、この文章をもとに、その内容を日本語で説明しなさい。

問2 下線部 (2) の that が示す内容を本文中から英語で抜き書きしなさい。

問3 下線部 (3) を日本語に訳しなさい。

問4 下線部 (4) は、1960年代から1970年代初頭にかけて、どのように展開したかについて、この文章をもとに具体的に日本語で説明しなさい。

問5 下線部 (5) の “the pros and cons” とはそれぞれ具体的にどのような内容か、この文章をもとに、日本語で説明しなさい。

