

令和8年度特色入試問題

《法学部》

小論文試験

100点満点

(注意)

1. 問題冊子および解答冊子は係員の指示があるまで開かないこと。
2. 問題冊子は表紙のほかに7ページある。
3. 解答冊子は表紙のほかに8ページあり、そのうち「ます目」の部分が解答欄である。
4. 試験開始後、解答冊子の表紙所定欄に受験番号・氏名をはっきり記入すること。表紙には、これら以外のことを書いてはならない。
5. 解答はすべて解答冊子の指定された箇所に記入すること。
6. 解答に関係のないことを書いた答案は無効にすることがある。
7. 解答冊子は、どのページも切り離してはならない。
8. 問題冊子は持ち帰ること。解答冊子は持ち帰ってはならない。

課題文を読んで、以下の全ての問いに答えなさい（解答は横書き。句読点・括弧も1字分として計算する。）。

なお、課題文中の [...] は省略を示している。

問 1

課題文 1 および課題文 2 は、外来種を規制することの是非につき、どのように説明しているか。400 字程度で述べなさい。

問 2

課題文 1、課題文 2 および課題文 3 の内容を踏まえて、外来種の規制の是非について、あなた自身の考えを 1000 字程度で述べなさい。

【課題文 1】

We G7 members:

- acknowledge that invasive alien species (IAS)^{*1} are one of the five main direct drivers of biodiversity loss globally, and their effects can interact with other drivers magnifying the negative consequences for nature and people,
- recognize that in addition to the negative impacts on nature, IAS can also impact nature's contributions to people and good quality of life through negative impacts on economy, food security, water security, energy production, cultural identities and practices, and human health (e.g., causing, contributing to and/or exacerbating^{*2} diseases, allergies, or other physical injuries and effects) in all regions of Earth, including in lands managed, used and/or owned by Indigenous Peoples^{*3} and local communities, and
- acknowledge that options for effective management to prevent their transport, introduction, establishment and spread, as well as to minimize their negative impacts exist.

(出典) G7 statement on invasive alien species: Enhancing international cooperation towards managing invasive alien species and their impacts, 22 November 2023, <<https://www.env.go.jp/content/000173656.pdf>>.
ただし、出題のため一部省略・改変した箇所がある。

(註) ^{*1} invasive alien species IUCN (国際自然保護連合) による定義は以下のとおり。 “Invasive alien species are animals, plants or other organisms that are introduced by humans, either intentionally or accidentally, into places outside of their natural range, negatively impacting native biodiversity, ecosystem services or human economy and well-being.”

(IUCN, <<https://iucn.org/our-work/topic/invasive-alien-species>>)

^{*2} exacerbate いっそう悪くする

^{*3} Indigenous People 先住民

【課題文 2】

課題文 2 は出典のみ公開する。

(出典) Martin A. Schlaepfer, Dov F. Sax, and Julian D. Olden, “The Potential Conservation Value of Non-Native Species”, *Conservation Biology*, Vol. 25, 2011, pp. 428-437.

ただし、出題のため一部省略・改変した箇所がある。

- (註) *¹ predator 捕食 (肉食) 動物 *² herbivore 植食動物
*³ mandate 任務を与える *⁴ fraction 小さな部分
*⁵ heterogeneity 異質性、多様性
*⁶ positively correlated with ～と正の相関関係にある
*⁷ speciation 種形成、種分化
*⁸ biotic and abiotic 生物に関する、および、非生物に関する
*⁹ soapberry bug (*Jadera haematoloma*) ムクロジムシ [昆虫の一種]
*¹⁰ endemic species 固有種 *¹¹ allopatric 異なる場所に生息する
*¹² salmonid サケ科の魚 *¹³ extirpation 根絶

【課題文 3】

From descriptive origins, the native/alien species distinction has evolved into a prescriptive,^{*1} normative paradigm, differentiating desirable from undesirable nature. It has axiomatic^{*2} status in nature conservation and, in Western cultures, is a dominant lens through which nature is viewed and valued. However, this framing has been disputed with increasing frequency and ferocity^{*3} in recent decades as it has become apparent that the question of what is native and what is alien is riddled with paradox and puzzle. [...]

Precise definitions of 'native' and 'alien' are elusive,^{*4} as discussed below, but as commonly understood, native species are those that evolved in an area or colonized it naturally, whereas alien species are those that have been introduced beyond their natural range by humans, intentionally or otherwise. Native animals and plants are seen as 'belonging' in an area, alien ones as out of place, sometimes disruptively. 'Invasive' describes those species – alien or native – which expand their range vigorously, outcompeting others.

[...]

Although the terms 'native' and 'alien' are intuitively obvious, precise definitions are elusive. Although often employed as discrete,^{*5} binary categories, the terms are better understood as cluster^{*6} concepts which represent the endpoints of a continuum along which many complex entanglements^{*7} exist. Rigorous definition is undermined by the essentially relative nature of the labels, both in time and space, because they do not describe innate biological characteristics but geohistories and mechanisms of dispersal.^{*8} The terms are relational, not describing species as such but populations of species deemed to be in the right or wrong place. Differentiating between native and alien assemblages of species is not possible using objective, ahistorical^{*9} criteria. Consequently, no species is intrinsically^{*10} alien or native but only in relation to a particular area at a particular time, such that the spatial and temporal boundaries of that space can be – and are – constructed in many different ways.

[...]

The concepts of nativeness and alienness also attract criticism for imposing an essentializing, dichotomous^{*11} rigidity onto the evolving continua^{*12} of ecosystems, both *via* the classification itself and the values implicit within it. In terms, firstly, of the classification, the paradigm rests on the belief that every species has a place where it 'belongs'. Labeling a species 'native' implies that it is in its rightful place, while 'alien' implies the converse – a species out-of-bounds, out-of-place and out-of-control. But ecologies are always in flux.^{*13} Current distributions represent one frame in the film of life on Earth, so asking where a species belongs can have no unqualified, immutable answer. Taking the long view, there is no 'correct' species assemblage for a place because a region's current complement of species is a matter of historical accident and biogeographical happenstance.^{*14} [...]

Secondly, the values implicit within the NAC (native/alien classification) are similarly critiqued for being inappropriately dichotomous, with particular condemnation reserved for the 'native good, alien bad' binary. This equates 'native' with 'best', a framing which is demonstrably inaccurate and misleadingly simplistic.

[...]

[T]he NAC is premised on a pre-Darwinian conceptual separation of human beings from nature such that anthropogenic^{*15} species dispersal renders nature unnatural. The classification can only function if humans are excluded from it. Such ontological^{*16} dualism underlies the powerful Western cultural norm of valuing 'unspoiled nature' above human-modified systems and yet it is hard to find a compelling^{*17} reason why the claimed metaphysical distinction has ethical relevance. [...] The NAC serves to perpetuate^{*18} nature-culture boundaries because alienness is defined in terms of human agency, not in relation to biological characteristics, and such a definition falsely positions humans as exogenous^{*19} to the environment instead of co-constitutive of it.

[...]

It is a deeply human trait to identify with a homeland or a home tribe, to differentiate 'us' from 'them' and to vilify^{*20} outsiders as enemies, but whether this innate tendency to draw boundaries between in-groups and out-groups and then to discriminate across them is helpful or harmful when applied to other species is questionable. The incendiary^{*21} allegation is that the concept of nativeness itself really amounts to a form of racism, almost an ecological fascism, and that pro-native policies are xenophobic,^{*22} redolent of^{*23} Nazi horticulture.^{*24}

[...]

The NAC constitutes not just an ecological and socio-political framework but also an ethical taxonomy^{*25} defining valued natures, with the 'invasive' label in particular performing a deadly kind of ethical work by stripping species of the moral status that they would otherwise have. The terminology operates as an ethical shortcut, rendering particular non-human species 'killable' without further debate because the values are implicit within the framework. If biodiversity is defined as native biodiversity, destroying species which are deemed not to belong becomes an unquestioned necessity of biodiversity conservation. Moreover, the normative labels provide an unwarranted^{*26} degree of moral comfort, simplifying ethical complexities and justifying lethal^{*27} violence because these lives are not legitimate lives and so their deaths are demanded. Consequently, modes of killing which would never be tolerated for native species become acceptable and even celebrated.

The native/alien paradigm purports to be about flora and fauna,^{*28} but actually it is all about us – our perceptions and preferences about where other species belong and our ethical judgments about how to treat them. It is about geographies and philosophies of placement and displacement, and the deployment^{*29} of social constructions of spatial and temporal scale to demarcate^{*30} moral geographies of belonging and exclusion.

(出典) Charles R. Warren, "Beyond 'Native v. Alien'", *Ethics, Policy and Environment*, Vol. 26, 2023, pp. 287-317.

ただし、出題のため一部省略・改変した箇所がある。

- (註) *¹ prescriptive 規律的な、指示的な
*³ ferocity 強烈さ
*⁵ discrete 別々の
*⁷ entanglement もつれ
*⁹ ahistorical 歴史に基づかない
*¹¹ dichotomous 二分論的な
*¹³ flux 絶え間ない変化
*¹⁵ anthropogenic 人間活動による
*¹⁷ compelling 十分な説得力を持つ
*¹⁹ exogenous 外的な、外側にいる
*²¹ incendiary 扇動的な
*²³ redolent of ~を想起させる
*²⁵ taxonomy 分類法
*²⁷ lethal 死をもたらす
*²⁹ deployment 展開
*² axiomatic 公理的な、自明の
*⁴ elusive とらえどころのない
*⁶ cluster 同種のものからなる集合体
*⁸ dispersal 分散
*¹⁰ intrinsically 本来的に
*¹² continua continuum の複数形
*¹⁴ happenstance 偶然の出来事
*¹⁶ ontological 存在論的な
*¹⁸ perpetuate 永続させる
*²⁰ vilify 悪者扱いする
*²² xenophobic 外国人嫌いの
*²⁴ Nazi horticulture ナチス農学
*²⁶ unwarranted 根拠のない
*²⁸ flora and fauna 動植物
*³⁰ demarcate ~に境界を画する