

以下の設問(A), (B)の中から一つ選んで, 問題文 I ~ III をもとにして, 自分の意見を英語で書きなさい。注意点をよく読んでから書くこと。(2018年)

(A) Should the Japanese government lower the legal age at which alcohol may be consumed to 18? Why, or why not?

(B) Should the Japanese government abolish the death penalty? Why, or why not?

注意点:

- (1) 箇条書きは不可。
- (2) 自分の意見と異なる見解に言及し, それに反論すること。
- (3) 問題文 I, II または III で言及されている見解やことがらを最低一つ引用して, 自分の意見をまとめること。引用する際には, 下の例を参考にする。

引用例:

- In her 2010 article "Against Zoos", Faerrer claims, "Nature is not ours to control." She argues that.... However, I strongly disagree with that statement, because
- I agree only to a certain extent with Eve N. Suzuki who argues, "Schools do not protect the rights of students enough" in the essay by Foane (2010). Her claim that X is Y may be true, but....
- According to O'Werke (2012, paragraph 7), one option is indirect taxation. Although this argument...,

III. Read the following article, and answer the questions as indicated.

"The Death Penalty Reconsidered" by Max Ornot (2015)

① According to Amnesty International, a human rights organization, China, Iran, Iraq, Saudi Arabia and the USA are responsible for about 82% of all the state-ordered executions which take place every year. Yet these countries are just the main players among the total of 25 states which still allow prisoners to be executed. Today, they are in the clear minority: over one hundred countries no longer use capital punishment. However, the debate about whether or not the death penalty is appropriate remains very much alive.

② Moral arguments about the death penalty might seem at first glance to be biased in favor of abolition. How can the taking of a precious life ever be justified? However, those with strong views about the sacred nature of life can find only mixed support for that view in most religious texts, many of which call openly for death as a punishment. Further, unless one believes in fate as the ultimate source of all human activity, then people who commit terrible deeds must, to a certain extent, be responsible for them. [Our moral guides are simply ambiguous about exactly how far].

③ Political calculations are similarly balanced. Those who attribute maximum responsibility to individuals (and therefore support the death penalty) ought also to favor a more powerful role for individuals in politics. Yet in this debate, ironically they become defenders of the powers of the state. That is because it is the state, not individuals, which carries out executions. By contrast, the liberals argue that state-based punishment systems cannot avoid discrimination on grounds of race, gender and class. By emphasizing existing social and economic inequalities, opponents of the death penalty have long described it as a tool for state oppression. The rich and educated, they argue,

already control the system, and should therefore not [have the additional power to inflict capital punishment].

④ All these considerations have led many to avoid the philosophical issues involved, and concentrate on the practical side of capital punishment. Does it deter criminals from crime? Is it cost-effective? Or error-free? Yet, here too we encounter troubled waters.

⑤ Take deterrence. As the law professor Ernest Van Den Haag put it in 1983, "Murderers clearly prefer life in prison to execution.... Therefore, a life sentence must be less deterrent than a death sentence". Logically, this makes sense, and some data seems to support it. In practice, however, the American Civil Liberties Union (ACLU) argued the opposite in 2007, when it concluded there was no evidence to support the theory. [Crime rates in US states with the death penalty, for example, resemble those in states without].

⑥ As for costs, there is the same imbalance between theory and observation. Logically, it ought to cost more to keep prisoners locked up for many years rather than to execute them — a burden which a nation's taxpayers must bear. But in countries where the legal system is developed and challenges are common, that is not always the case: in California, for example, since 1978, over 4 billion dollars has been spent on executions, at roughly \$300 million per case. That is slightly more than ten times what life imprisonment would have cost. Not all places are as legally-minded as California, but that leads inevitably to the last issue: mistakes.

⑦ Mistakes look like a strong reason for abolition. Even the possibility that someone might die in error ought, one might think, to give us pause. In many countries there have been instances of people being freed after years in jail due to new evidence: if the prisoner had been executed, that would be a tragedy. This is a valid point. However, it is without practical merit. Clearly the justice system fails at every stage, like all human systems. Designing a mistake-free system is impossible. Thus, supporters of capital punishment simply argue that the present checks and balances are usually appropriate.

⑧ Ultimately, our ability to resolve this issue depends [neither on moral considerations nor] on practical issues such as cost or deterrence. Rather, it rests on our relations with the state. Many persuasive arguments insist that we surrender responsibility for punishment to the state. It is part of every government's power to administer justice. The state exercises its right to revenge for the public good. However, giving the state the ultimate power should always make us uneasy. Historians rightly remind us of the horrors that some governments inflicted on their citizens in the past. Today, [citizens hand over] too many powers to the modern state at their own risk.

⑨ Such fears are particularly relevant in an age where the victims of crime no longer feel connected to the justice system. Everyone who has been a victim knows the desire for revenge, and sometimes the capacity to forgive. But the machinery of the law is usually [as deaf to victims as] it is to the criminals. We cannot of course go back to a time when citizens took the law into their own hands. Yet without bringing people into the debate, confusion must follow. Across the globe today, voters seem evenly divided about the death penalty. But the voices which [matter], those of the accused and of the victims, are often overlooked. It is to these people to whom we should turn for wisdom, if we want to avoid continued divisions within and among nations.

※課題文自体は「死刑」に関する国際的な(主に米国の)データや異なる考え方を紹介しているだけで、廃止または存置を明確に主張していない。筆者は最後の段落で自分の考えを述べているが、殺人に対する刑罰としての死刑の是非を論じている訳ではない。被告と被害者、両者の声に耳を傾けるべきだとしても、殺人事件の被害者はもはや声を発することは出来ないからだ。

設問はあくまでも "Should the Japanese government abolish the death penalty? Why, or why not?" である。課題文が無くても、賛成あるいは反対の論拠を挙げられる人は、課題文からデータや異論を引用して、自説を補強する形をとればよい。いっぽう、明確に賛否を述べていない課題文に沿って自説を展開するのは容易ではない。かなりの難問である。

(B)

【阿佐谷英語・解答例】

I disagree with the opinion that the Japanese government should abolish the death penalty. In his 2015 article (paragraph 2), Max Ornot claims, "Moral arguments about the death penalty might seem at first glance to be biased in favor of abolition. How can the taking of a precious life ever be justified?" However, at least in Japan, many think death is an effective means to deter [prevent] brutal crimes. If a person commits a offense [crime], he or she should receive appropriate punishment. Murderers especially must take responsibility for what they have done. Or else, crimes would remarkably increase, so it would be difficult to maintain the social order. Max Ornot writes, "Mistakes look like a strong reason for abolition. Even the possibility that someone might die in error ought, one might think, to give us pause." To be sure, some argue that death is too cruel a punishment, and if the judgment is a mistake, the state commits the ultimate crime of killing an innocent person. However, we should and can solve this problem, for example, by the visualization of the investigation or more emphasis on DNA analysis. Therefore, we should not do away with the death penalty in Japan. (200 words)
*agree と異なり disagree は自動詞用法しかない。したがって disagree that ... は正用法ではない。

(B)

【A予備校解答例】

I don't think that the Japanese government should abolish the death penalty for now. People who commit crimes must be responsible for them. It is inevitable that the seriousness of the crime should, to some extent, determine how severe the punishment will be. In Japan the public generally agrees that there are some crimes which deserve capital punishment.

As Max Ornot points out, designing a mistake-free legal system is impossible, so every possible effort must be made not to punish the wrong person. He also suggests that the voices of victims and the accused should be reflected in discussions about the death penalty. However, this is far from viable because those involved in crimes have difficulty judging things in an objective manner. In that regard, the system in which lay judges participate in carrying out justice will be useful. Lay judges, not the state, are in a good position to represent the opinions of the victims and the accused. (159 words)

(B)

【B予備校解答例】

In "The Death Penalty Reconsidered" Max Ornot neither supports nor opposes capital punishment. He says that none of the arguments for and against it, whether they are moral or practical, is clearly superior. People with strong views about the sacred nature of life are contradicted by religious texts. People who claim the threat of a death sentence is a useful deterrent cannot find evidence to support this. Even the assumption that execution is cheaper for the state than long prison sentences is wrong. However, when Ornot says that in an imperfect legal system "the possibility that someone might die in error" is not a valid point, I disagree with him. For the state to send someone to prison for a crime he did not commit is bad enough. To execute an innocent person is unforgivable, and the only way to avoid this awful possibility is to abolish the death penalty. (150 words)

*"Should the Japanese government abolish the death penalty? Why, or why not?"
という設問に答えていない。

(B)

【C予備校解答例】

I agree with the implication that Max Ornot makes in his 2015 article, "The Death Penalty Reconsidered", especially concerning the handing over of too much control to the state. History has proven again and again that by giving up too much control to the government, terrible things can happen. On the contrary, as Ornot argues in his conclusion, it is essential to bring the people, meaning all the people, the accused and victims alike into the debate and to be involved in finding the wise way of delivering justice. As Ornot illustrates in his article, only 25 states around the world, including Japan, still allow prisoners to be executed. And although we may think that the threat of death may prevent certain people from committing a terrible crime, there is no evidence to prove that this is actually true. Rehabilitation of hard criminals is the best solution. (147 words)

*"Should the Japanese government abolish the death penalty? Why, or why not?"
という設問に答えていない。