早稲田大学大学院法学研究科

２０２５年度　修士課程入学試験問題（一般入試）

外国語科目　英語

外国人留学生

以下のⅠとⅡの問題に答えなさい。

Ⅰ　以下は国際法の普遍化と半辺境の国際法学者の関わりについて論じた文章の一部である。これを読んで問いに答えなさい。

※この部分は、著作権の関係により掲載ができません。

問1　下線部(1)は具体的にどのようなものか、説明しなさい。

問2　下線部(A)を日本語に訳しなさい。

問3　下線部(2)はどのような意味か、内容を3つの側面に分けて簡潔に説明しなさい。

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II　次の２問中１問を任意に選択しなさい。　必ず選択した番号を明記すること。

（1）　次の文章を日本語に訳しなさい。

There are always two types of cases pouring into criminal courts. The first set of cases, epitomized by homicides, are cases that the system has little choice but to forcefully address. A person is accused of a serious crime. The public demands justice. Rather than leaving justice to informal resolution among civilians, government officials funnel widespread concern and outrage into a formal judicial process for determining guilt and imposing punishment. That process is fairly characterized as "the criminal justice system."

The second set of cases, epitomized by drug offenses, is different. In this category of cases, the government makes a policy decision to discourage certain behavior through the criminal law. If the behavior continues undeterred, that policy decision generates a new flow of cases into the courts. The number of those cases and the intensity of enforcement depend on additional policy choices, not merely the prevalence of the underlying crimes. And while these cases go through the same adjudicative process as homicides, prosecution and punishment is about enforcing the law, not justice. This process can fairly be described as "the criminal legal system."

（2）　次の文章を日本語に訳しなさい。

The trigger based on which the discussion on the attribution of legal personality to AI emerged is that the powers that have been conferred to AI allow it to act autonomously or distantly from any human control. This situation raised concerns regarding the adequacy and application of current liability rules but those concerns have been extended to also capture future hypothetical cases in which AI would act and exist fully autonomously, which would then challenge almost every sphere of law.……There are already a few studies dealing with the rationale of attributing legal personhood to AI that distinguish between: (i) treating AI similarly to corporations or legal entities, namely as artificial entities capable of owning assets and transacting in their own name; and (ii) treating AI as persons, similarly to natural persons or individuals, in the futuristic scenario in which AI can indeed exist fully autonomously without principals or legal owners and act in its own name.