

2026(令和8) 年度 北九州市立大学大学院
法学研究科 入学試験

【夏期日程】

一般選抜

研究者コース

1. 試験時間 9:00 ~ 12:00

2. 試験問題

科目	英語
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【注意事項】

1. 指示するまで開けないこと。
2. 試験開始後、所定の箇所に受験番号を記入すること。
3. 試験問題、解答用紙は持ち出さないこと。
4. 10時までは退出できません。

10時以降に退出する場合は問題用紙、解答用紙を監督者の机に
置き退出すること。再入室は認めない。

受験番号						
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科目名

英語

受験番号

受験番号を明瞭に記入すること

解答は解答用紙に記入すること。

問. 以下の英文を日本語に訳しなさい。

The words "legislature" and "parliament" are often used interchangeably. The distinction between them, however, can be used to structure the analysis of legislatures and/or parliaments in a comparative context. Legislatures legislate; they pass laws. The notion of a "legislature" is thus located firmly in the classical view of a separation of powers between legislature, executive, and judiciary. This distinguishes law-making both from the business of government and from the interpretation, adjudication, and enforcement of any laws that are made. A "parliament," on the other hand, does legislate but in contemporary politics is also something much more than a legislature. In the constitutional structure of "parliamentary government" that characterizes most European states, as well as "European-style" modern democracies such as Australia, Canada, and New Zealand, the executive is constitutionally responsible to the legislature.

The matter of whether or not the executive is responsible to the law-making body lies at the heart of the distinction between a "legislature" and a "parliament." Parliamentary elections are in essence about choosing governments, not law-makers. In a parliamentary system, the executive both derives from, and is constitutionally responsible to, the legislature—typically its lower house. The government remains in office as long as it retains the "confidence" of the legislature. The most important political job for the "legislature" in a parliamentary government system is thus not legislating at all, but making and breaking governments.

The twin procedural peaks of parliamentary government are two types of vote in the legislature—the confidence/no confidence vote and the investiture vote. The former is the more fundamental. A government that loses a legislative vote of no confidence is constitutionally deemed dismissed, if it does not resign voluntarily in anticipation of this catastrophic event. If such a provision is not in the constitution, then the country concerned does not have a parliamentary government system. Faced with an actual or threatened motion of no confidence, governments often attempt to regain the political initiative by proposing their own parliamentary motion of confidence, which typically takes procedural precedence. Failing to win a confidence vote has the same constitutional effect on the government as losing a no confidence vote.

The actual legislative defeat and subsequent fall of a government on a no confidence vote is in practice very rare in parliamentary democracies, just as an actual checkmate is very rare in a chess game played between grandmasters. What is important is that parliament does have its big constitutional stick and that the government knows this. Facing defeat on an actual or potential parliamentary confidence vote, governments usually find they can cut their losses by resigning in anticipation.

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(1枚目の続き)

Furthermore, governments in parliamentary democracies typically have the strategic procedural option of converting a parliamentary motion on any substantive matter, however trivial, into a formal motion of confidence in the government, creating a situation in which the very future of the government is constitutionally bound to the fate of the matter under consideration by parliament. This goes well beyond the mere threat to resign if the government loses the vote on the substantive issue in question.

The relationship between legislature and executive in a parliamentary government system is thus strategically rich and complex. On the face of things, parliaments may seem to have far-reaching powers to make and break governments. The other side of the coin is that governments have far-reaching powers to say to the legislature: "You may oppose us on this particular issue but, if you don't let us have our way, you can go find yourself a whole new government. This is no idle threat: we've chained ourselves to the mast on this motion and thrown away the key—if it goes down we go down with it." Once the confidence procedure has been triggered, unless the issue at stake is so important that some legislative majority really would prefer a whole new government to conceding, the executive is in a strong position to get its own way in the face of legislative opposition.

The fundamental need for the government to be able to win parliamentary confidence votes is often tested constitutionally using a formal parliamentary investiture vote at the point of government formation. Not all parliamentary government systems require formal investiture votes, although those that do have been shown to have governments that are, on average, longer lived and less likely to be minority governments. Effectively, however, the rules of parliamentary government mean that any incoming government is immediately exposed to an implicit motion of no confidence. Anticipating this, there is no point in a government forming in the first place if it cannot subsequently win confidence motions in the legislature. This is why it is the parliamentary no confidence procedure, not the parliamentary investiture vote, that defines parliamentary government.

出典: Adapted from Michael Laver, "Legislatures and Parliaments in Comparative Context," *The Oxford Handbook of Political Economy*.

(2ページ目)