

資料

ジョン・ステュアート・ミル

『代議政治論』 自筆草稿

— 序言と第1章（翻刻） —

川 又 祐
吉 野 篤
荒 井 祐 介
トーマス・ロックリー

日本大学図書館法学部分館〔法学部図書館〕は、ジョン・ステュアート・ミル（John Stuart Mill, 1806-1873）の『代議政治論』（Considerations on Representative Government）自筆草稿を所蔵している。これは、1860年ころに書かれたものであり、A から K までの 11 帖で構成されている。筆者たち 3 人は当初、法学部図書館図書委員会内に設置されている貴重書目録作成委員会の協力を仰ぎながら、本資料の翻刻を目指した。その後ロックリー氏が加わり、現在では 4 人の体制となっている。この活動は、2017 年度、日本大学法学部政経研究所共同研究「ジョン・ステュアート・ミル『代議政治論』成立過程の予備的研究」に採用された。さらに本研究は、2018 年度同研究所共同研究「先進工業諸国における議会制民主主義の揺らぎ：ヨーロッパと日本の比較研究」に引き継がれている。今回、これまでの研究成果の一部として、その序言と第 1 章の翻刻を公開することとした。

序言「Preface」は、K 帖の第 14 葉（K quire, K_014）に記述されている。草稿に章番号は記載されていないが、『代議政治論』の初版が 1861

年に刊行された際、その第1章となった「統治形態はどの程度まで選択の事項であるか」(To what extent forms of government are a matter of choice)は、A帖の第1葉から第13葉(A quire, A_001-013)に記述されている。

翻刻に際して、翻刻文に下線が引かれているものは、次ページの図の表題部分にもあるように、ミル本人によって下線が引かれていることを表している。翻刻文に二重の下線が引かれているものは、私たちが翻刻できなかったものを、灰色に着色されているものは、いまだその翻刻に確信が持てないものを表している。今後も継続的に、翻刻を公開していく予定である。

ミル自筆草稿は、法学部図書館ウェブページ「貴重書・特別書コレクション」で紹介されている。

凡例

- 下線：ミル本人によって引かれた線
- 二重下線：筆者たちが翻刻できなかった単語
- 灰色部分：翻刻に確信が持てない単語

Bibliography : [Considerations on Representative Government]. [s.l.]: [s.n.]. [1860]. Untitled autograph manuscript. 228 leaves in 11 [A to K] quires. A quire: 24 leaves, B quire: 24 leaves, C to J quire: each 20 leaves, K quire: 20 leaves (7 leaves blank).

参考

<https://www.law.nihon-u.ac.jp/library/htmls-201710/index.html>

Mill, John Stuart. *Considerations on Representative Government*. Parker, Son, and Bourn, West Strand. London. 1861.

川又祐「J.S. ミル『代議政治論』自筆草稿（日本大学法学部図書館所蔵）について」『政経研究』52（2）、2015年。Hiroshi Kawamata, John Stuart Mill's autographed draft manuscript Considerations on Representative Government in the Nihon University College of Law Library. SEIKEI KENKYU (Studies in Political Science and Economics). Vol.52 No.2. Sept. 2015. pp. 165-188. https://www.law.nihon-u.ac.jp/publication/doc/political52_2.pdf

山下重一訳「代議政治論」『世界の名著』（責任編集 関嘉彦）38、中央公論社、1967年。

水田洋訳『代議制統治論』岩波文庫、岩波書店、1997年。

Preface -

Those who have done me the honour of reading my ^{former} ~~writings~~ writings, will perhaps receive no very ^{strong} ~~decided~~ impression of novelty from ^{the present} ~~this~~ ~~principles~~ principles are those to which I have been working up during the greater part of my life, & most of the practical suggestions have been anticipated either by ^{others} ~~myself~~ or by ~~them~~ ^{myself}. There is ^{some} novelty, however, in the fact of bringing them ^{all} by other, & exhibiting them in their connexion; & also, I believe in many of the arguments & illustrations by which they are ^{supported} ~~supported~~. I do not, at the same time, disguise from myself that several of these ^{opinions} ~~of these~~, if not new, are for the present as little likely to meet with general acceptance as if they were.

It appears to me, however, from various signs, & notably from the recent debates on the Reform of Parliament, that both Conservatives & Liberals have lost confidence in the ^{political needs} ~~systems of doctrine~~ which they ~~still~~ ^{still} nominally profess, while neither side seems to have made any progress in possessing itself of a better. Yet such a better doctrine ~~there~~ must be ^{possible; not a mere compromise} ~~not a mere compromise~~ between the two, ~~which~~ ^{what} ~~is at all the thing wanted~~ ^{something}, but wider than either, & in virtue of not neglecting any side or aspect of the great ^{problem of politics} ~~political~~ question, fitted to satisfy the legitimate requirements of both. When so many obscurely feel the want of such a doctrine, & so few even flatter themselves that they have ^{attained} ~~found~~ it, any one may without presumption offer what his own thoughts, & the best that he knows of those of others are able to contribute towards its formation.

11016

John Stuart Mill's Autographed Draft Manuscript “Considerations on Representative Government”. Transcription of Preface and Chapter 1.

**Hiroshi Kawamata
Atsushi Yoshino
Yusuke Arai
Thomas Lockley**

Nihon University College of Law library houses a John Stuart Mill's autographed draft manuscript of “Considerations on Representative Government” ca. 1860. It has 11 quires (A to K) probably written in 1860. This manuscript is a significant and important cultural and political property, which has had major ramifications for government and social systems around the world to this day.

Bibliography : [Considerations on Representative Government]. [s.l.]:[s.n.]. [1860]. Untitled autograph manuscript. 228 leaves in 11 [A to K] quires. A quire: 24 leaves, B quire: 24 leaves, C to J quire: each 20 leaves, K quire: 20 leaves (7 leaves blank).

Cf. <https://www.law.nihon-u.ac.jp/library/htmls-201710/index.html>

We now transcribe the manuscript texts of Preface (K quire, K_014) and

Chapter 1 (A quire, A_001-013. To what extent forms of government are a matter of choice). The underline is written by Mill himself. Regrettably, the double underlined parts are the words which we couldn't transcribe. Words about which we are unsure are gray colored. In the future, we will transcribe Mill's manuscript "Considerations" over years.

Cf.

<https://www.law.nihon-u.ac.jp/library/htmls-201710/index.html>

Hiroshi Kawamata, John Stuart Mill's autographed draft manuscript Considerations on Representative Government in the Nihon University College of Law Library. SEIKEI KENKYU (Studies in Political Science and Economics). Vol.52 No.2. Sept. 2015. pp. 165-188. https://www.law.nihon-u.ac.jp/publication/doc/political52_2.pdf

Preface.

Those who have done me the honour of reading my former writings, will perhaps receive no very strong impression of novelty from the present: for its principles are those to which I have been working up during the greater part of my life, & most of the practical suggestions have been anticipated either by others or by myself. There is some novelty, however, in the fact of bringing them all by other, & exhibiting them in their connexion; & also, I believe in many of the arguments & illustrations by which they are **conferred**. I do not, at the same time, disguise from myself that several of these opinions, if not new, are for the present as little likely to meet with general acceptance as if they were.

It appears to me, however, from various signs, & notably from the recent debates on the Reform of Parliament, that both Conservatives & Liberals have lost confidence in the political creeds which they still nominally profess, while neither side seems to have made any progress in possessing itself of a better. Yet such a better doctrine must be possible; not a mere compromise between the two, but something wider than either, & in virtue of not neglecting any side or aspect of the great problem of politics fitted to satisfy the legitimate requirements of both. When so many obscurely feel the want of such a doctrine, & so few even flatter themselves that they have attained it, any one may without presumption offer what his own thoughts, & the best that he knows of those of others, are able to contribute towards its formation.

A_001 to A_013. [Chapter 1]

A_001

A

(By pencile)

QS06

A_002

To what extent forms of government are a matter of choice.

The discussion of forms of government may be undertaken in two different modes, & under two different conceptions of what they are. It is impossible to discuss them to any purpose without first making it understood, in which of these two points of view we mean to consider them.

In one aspect, government is considered as altogether a practical art. Forms of government are looked upon as means to an end. Political institutions are assimilated to any other contrivances of man for the management of human affairs, are regarded as a particular kind of machinery. Being made by man, it is assumed that man has the choice whether to make them or not, & how or of what **sort** they shall be made. Questions of government are treated exactly like any other practical questions. It is considered, first, for what purpose governments are intended ; next, what governments are best fitted to fulfil that purpose. A conclusion having been come to on this point, & the form of government having been ascertained, which combines the greatest amount of good qualities, it only remains to obtain its concurrence of mankind, or of the people of some particular

country

in the opinion which we have privately arrived at. To find the best form of government ; to persuade others that it is the best ; & having done so, to stir them up to insist upon having it ; is the order of ideas in the minds of those, who adopt this view of political philosophy. They look upon a constitution in the same light, (difference of scale being allowed for) as they would upon a steam plough, or a threshing machine.

To these stand opposed another kind of political speculators, who are so far from assimilating a form of government to a machine, that they regard it as a sort of natural product

A_003

like a plant, or animal,
& the science of government as a branch (so to speak) of natural history. One of their favourite dicta is that “governments are not made, but grow.” In so far as any one holds to this opinion, he of course does not look upon forms of government as a matter of choice. They must (it is thought) grow up of themselves, & all that human act or effort can do, is but to acquaint with their natural properties, & enable us to adapt ourselves to them. The fundamental political institutions of a people, are considered as a sort of organic outgrowth from the nature & life of that people; a product of their habits, instincts, & unconscious wants & desires, scarcely at all of their deliberate purposes, which (it is maintained) hardly ever interfere in the matter except to a mischievous result.

It is difficult to decide which of these doctrines would be the most absurd, if we could imagine either of them to be held as an exclusive theory. But the

principles which men profess, on any controverted subject, usually express but a small part of what they are found to have in their minds when they proceed to act. On the one hand, no one really believes that every people is capable of working every sort of institutions. A man does not choose even a machine of timber & iron, on the sole ground that it is in itself the best. He considers whether he possesses the other requisites which must be combined with it to render its employment advantageous, & likewise, whether those to whom he must entrust its working, have the knowledge & skill necessary for its management. On the other hand, neither are those who speak of political institutions, as if they were a sort of living organisms really the political fatalists they give themselves out to be. They do not think that mankind have no range whatever of choice as to the government they live under, & that consideration of the different consequences which follow from different forms of polity, is no element at all in deciding whether a people can have, or

A_004

should attempt to have, one rather than another. But though no one holds without modification to either doctrine, the two theories so grossly caricatured by those who profoundly adopt them, correspond to a real & deepseated distinction between two modes of thought ; & though it is evident that neither of these is entirely in the right, yet it being evident, also that neither is entirely in the wrong, we must get down to what is at the root of each, & endeavour to avail ourselves of what amount of truth may exist in either.

Let us remember, then, in the first place, that political institutions (however the propositions may be

occasionally ignored) are the work of men ; owe their existence to human will ; men established them, & it is by men that they are maintained in being. Like all other things, therefore, which are made by men, they may be either well or ill made ; judgment & skill may have been exercised in their production, or the reverse of these. On the other hand, it is also to be borne in mind, that this machinery is to be worked by men ; it needs not their simple acquiescence, but their active cooperation ; & must therefore be adjusted to the capacities & powers of such men as are available. In this three conditions are required. First ; the people for whom the form of government is intended, must be willing to have it. Secondly, they must be willing & able to do whatever is necessary to keep it standing. Thirdly, they must be willing & able to do the things which it requires of them as necessary for the attainment of its ends. The word do is in both these cases to be understood as including forbear. They must be willing to fulfil the conditions of self restraint, and the conditions of action, which are necessary either for keeping the established polity in existence, or for enabling it to fulfil its destination.

The failure of any one of these conditions renders a form of government, however great may be its recommendations, unsuitable to the particular case.

A_005

Left side of page (A quire 004 verso. By pencil.)

Nothing to obey, but only up to a certain point

Right side of page (A quire 005 recto)

The first disturb, the unwillingness of the people to accept it, does

not need much illustration, because it never can have been, in theory at least, overlooked. The case is of very frequent occurrences in practice. A tribe of North American Indians could not be induced, except by foreign force, to accept a regular & civilized government, & submit to the limitations which it sets to the license of the individual. So with the barbarians who remain the Western Empire in the early period of the invasions. There are nations who will not voluntarily submit to any government but that of certain families which have from time immemorial had the privilege of supplying them with chiefs. Some nations could not, except by foreign conquest, be made to endure a monarchy ; others are equally averse to a republic. The hindrance, in many cases, amounts to a positive impossibility.

But there are other cases in which, though not averse to a form of government, & possibly even desiring it, a people may be unwilling or unable to fulfil its conditions. They may be incapable even of fulfilling such of them, as are necessary to keep the government even nominally in existence. Thus, a people may prefer a free government, but if from carelessness, or indolence, or cowardice, they are unequal to the exertions necessary for preserving it ; if they are unwilling to fight for it when it is directly attacked ; if they are not able to see through the artifices used to cheat them out of it ; if they are capable of being induced by a fit of enthusiasm for an individual, or a moment of discouragement, or a temporary panic, to lay their liberties at the feet, even of a great man, or to trust him with powers which enable him to subvert those liberties ; in any of these cases the people in question are more or less unfit for liberty, & unlikely long to

preserve it, though it does not by any means follow that it is not for their good to have had it for a time, even though, afterwards deprived of it.

A_006

Again, a people may be unwilling or unable to fulfil the duties which are required of them as citizens under a particular form of government. This kind of incapacity, & the one last mentioned, while perfectly distinguishable from one another in idea, generally (though not always) accompany each other in point of fact. A rude people, though in some degree alive to the advantages of civilized society, may be unable to practice the abstinences which it requires : their passions may be too violent to forego personal conflicts, & dwelling[sic] upon the laws the avenging of their real or supposed injuries. In this case if they can be brought, with advantage, under any civilized governments it must probably be one in a considerable degree despotic one over which they cannot themselves exercise any control, & which imposes a great amount of forcible restraint upon their actions. Again, a people may be considered unfit for more than a limited degree of freedom who are unwilling to cooperate actively with the law & the public authorities, in the repression of wrong doers. A people who prefer to shelter a criminal, instead of apprehending him ; who, like the Hindoos, will perjure themselves to screen the man who has robbed them, rather than take trouble or excite ill will by giving evidence against him ; who, like many of the people of Southern Europe, if a man poniards another in the public street, pass by on the other side, because it is the business of the police to look to the matter, & it is safer not to interfere in what does not concern them ; a people of this sort need that the public authorities should be armed with much stronger powers of repression, than would otherwise be

necessary, since the first indispensable requisites of civilized life have nothing but that to rest upon. I am not unaware that these wretched states of mind are often very much the consequence of previous bad government, which has taught the people to regard the public authorities as still more their enemies than the brigands, as people

A_007

whom it is trust to have nothing whatever to do with. But however little blame may be due to those in whom these habits of mind have grown up or however the habits may be ultimately conquerable by better government, yet which they exist a people so disposed cannot be governed with as little power exercised over them by the agents of government as a people whose sympathies are on the side of the law, & who are willing to give their active exertions for its enforcement. Again, representative institutions are worthless, or worse than worthless, a mere instrument of tyranny uniting us, where the generality of the electors are not sufficiently interested in politics to vote or if they vote at all, do not give their votes on any public ground, but sell them for money, or go up to vote at the beck & call of some one who has power over them or whom for private reasons they desire to please. Mechanical obstacles are often as complete hindrances to forms of government as moral ones. In the ancient world, though there might be, & often was, great individual independence, there could be nothing like a regulated popular government beyond the narrow bounds of a city community ; because there did not exist the physical conditions for the formation & propagation of a public opinion, except among those who could be brought together to discuss public matters in the same agora. This difficulty could not have been really got over except by the press, & not

completely except by the newspaper press, the real modern equivalent, though in many respects an imperfect one, of the Pnyx & the Forum. There are states of society in which even a monarchy, properly so called, of any great territorial extent, cannot subsist, but will necessarily break itself up into petty monarchies either mutually independent, or held together by a loose tie like the feudal : because then its machinery of authority is not perfect enough to maintain obedience at a distance from the person of the rulers or there do not exist the means of making the people pay an amount of taxes

A_008

sufficient for maintaining the force necessary to compel obedience throughout a large territory. In all these, & similar cases, it is to be understood, that the amount of hindrance may be either greater or less : it may be sufficient to make the form of government work very ill, without being absolutely incompatible with its existence, without necessarily preventing it from being practically preferable to any other. This last question mainly depends upon a consideration at which we have not yet arrived. The tendencies of different forms of government to promote Progress.

If, then, the supporters of what may be termed the naturalistic view of government, mean only that no government can permanently exist, which does not fulfil the three conditions above mentioned, they are altogether in the right. If they mean more than this, I conceive them to be, so far, in the wrong. All that they are in the habit of saying about the necessity of a historical basis for institutions, of their being in harmony with the national usages & with the national character, & so forth, if it means anything, means only this. There is a greatness of mere sentimentality connected with these dicta ; over & above the amount of rational meaning contained in

them. But, considered practically, these alleged requisites of political institutions are merely so many facilities for realizing the three conditions. When an institution, or a set of institutions, has the way ready prepared for it by the previous opinions, tastes, & habits of the people, they are, in the first place, more easily induced to accept it ; & in the next place, they will have, from the first, a greater wish to do, & will more easily learn to do what is required of them either for the preservation of the institutions or for bringing them properly into action. And it would be a great mistake in any legislator not to avail himself of these facilities, when he can obtain them, for the accomplishment of his purposes.

A_009

On the other hand, it is an exaggeration to elevate these mere aids & facilities into necessary conditions. People are more easily induced to do, & do more easily, what they are already used to ; but people also learn to do things new to them. Familiarity is a great help ; but much dwelling on an idea will make familiar, that which was strange at first. There are abundant instances in which a whole people have been eager for untried things. The amount of capacity which a people possess for doing new things, & adapting themselves to new circumstances, is itself one of the elements in the question ; it is a point in which different nations, & different stages of civilisation differ much from one another. The capability of any given people for fulfilling the conditions of a given form of government, cannot be pronounced upon by any sweeping rule ; Knowledge of the particular people, & general practical judgment & sagacity, must be the guide. Neither should it be overlooked,

either by speculative or practical politicians, that to recommend & advocate a particular institution or form of government, & set its advantages in the strongest light, is one of the modes often the only unsuitable mode, of preparing the mind of the nation, if it is not yet sufficiently prepared, not only for accepting or demanding but also for working, the institution. But to do this as it should be done, it is necessary to be ourselves duly impressed, not with the mere benefits of the institution considered generally, but also with the capacities, moral, intellectual, & active necessary for working it ; that we may avoid, if possible, stirring up a desire too much in advance of the capacity.

The result of what has now been said is, that within the limits set by the three conditions so often adverted to, institutions & forms of government are entirely a matter of choice ;

A_010

& it is not irrational, but a fitting employment both of scientific intellect & of practical effect to endeavour to ascertain & realize, in any country, the best form of government which in the existing state of that country, is capable of, in any tolerable degree, fulfilling these conditions. But here we may expect to be met by an objection of another kind, calling in question not the eligibility of the object in view, but the possibility of its attainment. The government of a country, it may be said, in all substantial respects, is found & determined beforehand by the state of the country in regard to the distribution of the elements of social power. Whatever is the strongest

power in society will get the governing authority into its hands, through some instrumentality or other ; & a change in the government cannot be desirable unless possessed or accompanied by an altered distribution of power in society itself. A nation, therefore, cannot choose its form of government. The mere details & practical organisation it may choose. But the essence of the whole, the seat of the supreme power is determined for it by social circumstances.

It is necessary then to consider, what is the portion of truth in this doctrine ; for that it contains a truth, is evident ; but there needs no small amount of cleaning-up, before that truth can appear in its genuine lineaments. When it is said that the strongest power in society will be sure to make itself strongest in its government, what is meant by power ? Not thews & sinews ; otherwise pure democracy would be the only possible form of government : To mere physical strength, add two other elements, property and intelligence & we are nearer the truth, but have not yet reached it.

Not only

may a greater number be kept down by a smaller, but

A_011

that greater number may have a preponderance in property, & individually even in intelligence, & may yet be kept in subjection, either by force or without force. To make these various elements of power politically influential they must be organized ; & the advantage in point of organisation is necessarily with those who are in possession of the government. A much weaker party in all other elements of power, may greatly preponderate when the powers of government itself are thrown into its scale : & may

long retain its power through this alone, though, no doubt, such a government is in the condition called in mechanics unstable equilibrium, like a thing balanced on its small end, so that if even an accidental blow disturbs the balance, the object will not naturally resume the same position but will settle permanently into another. But there are still more serious objections to the proposition, in the terms in which it is usually stated. The power in society, which has any tendency to convert itself into political power, is not secure government, power merely passive, but active power ; in other words, power actually exerted ; that is to say, a very small portion of all the power in existence. Politically speaking, a very large part of all power consists in will. How is it possible then to compute the elements of political power if we have **acts** of the computation that which acts on the will ? To think that because those who wield the power in society will in the end wield those of government, therefore it is of no use to attempt to decide questions of government by acting on opinion, is to forget that opinion is itself one of the greatest of active social forces. One person with a belief is a social power equal to ninety nine who have only interests. If you can succeed in making it **be** thought that one form of government, or one institution is preferable to another, you have done, not a small thing, but nearly the greatest thing that can be done, towards ranging the

A_012

powers of society on its side.

On the day when the protomartyr was stoned to death at Jerusalem & he who was to be the Apostle to the Gentiles stood by “consenting unto his

death,” would any one have supposed that the party of that stoned man was then & there the strongest power in society! & has not the fact proved that they were so ? & this by the possession of one element alone ; the most powerful belief then existing, held in the most strenuous manner. And was not, through the same element, a monk of Wittenberg, on the day of the Diet of Worms, a more powerful social force than the emperor Charles V, & all the princes there assembled ? But these, it may be said, are cases in which religion was concerned, & religious convictions are something peculiar in their strength. Then let us take a case purely political, where religion was concerned if at all chiefly on the losing side ; the great movement of the 18th century ; & see whether opinion, as an element of social power, does not rank with the strongest, when we think of the age in which (not to speak of ministers) there was scarcely a throne in Europe which was not filled by a liberal & reforming King, a liberal & reforming emperor, or strangest of all, a liberal & reforming pope ; the age of Frederic the Great, of Catherine the Second, of Joseph the Second, of Peter Leopold, of Benedict XIV of Ganganelli, of Pombal, of d’Aranda ; when the very Bourbons of Naples were liberals & reformers, & all the active minds **even** among the noblesse of France were filled with the ideas which were soon to cost them so dear. Surely a sufficient example how far mere physical & economical power is from being the whole of social power. It is what men think, that determines how they act ; their conduct is influenced by persuasion & conviction ; & though I am far from pretending that either their thoughts or actions are mainly decided by

reason, both are greatly influenced by the united authority of the instructed.

A_013

Whenever, therefore, the instructed in general can be made to recognise that any social fact, or any political or other institution, is good or bad, desirable or the contrary, very much has been done towards giving to it, or taking from it (as the case may be) that preponderance of social force which enables it to subsist. And the maxim, that the government is what the social forces in existence make it, is true only in the sense in which it favours, instead of discouraging the attempt to exercise, among all forms of government practicable in the existing circumstances of society, a rational choice.

(By pencil)

Illustrate this chapter by the **mode** in which the mechanical arts take advantage of the powers & tendencies of nature.

Cannot make the river run backwards ; not true however that mills “are not made, but grow.”