

# ジョン・ステュアート・ミル

## 『代議制統治論』 自筆草稿

—— 第16、17、18章（翻刻） ——

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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『代議制統治論』自筆草稿を所蔵している。私たちの「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」は、2017年度日本大学法学部政経研究所共同研究に採用され、さらに2018年度同研究所共同研究「先進工業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。今回私たちが本稿で翻刻するのは、『代議制統治論』第16章から第18章である。

翻刻に際して、翻刻文に下線が引かれているものは、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。（ ）で示された部分はミルによるもの、[ ] で示された部分は、筆者たちが補ったものである。

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下線：ミル本人によって引かれた線

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( )：ミル本人が記したもの

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**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).

私たちのこれまでの翻刻結果は、以下の表のとおりである。

### 掲載誌／ Journals

Preface	「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）——」 『法学紀要』60巻、2019年 John Stuart Mill’s Autographed Draft Manuscript “Considerations on Representative Government.” Transcription of Preface and Chapter 1. <i>HOGAKU KIYO</i> . Vol. 60. 2019. <a href="https://www.law.nihon-u.ac.jp/publication/doc/bulletin60.pdf">https://www.law.nihon-u.ac.jp/publication/doc/bulletin60.pdf</a>
[Ch. 1] To what extent forms of government are a matter of choice	
[Ch. 2] The Criterion of a good Form of Government	「ジョン・ステュアート・ミル『代議制統治論』 自筆草稿——第2章と第3章（翻刻）——」 『政経研究』56巻4号、2020年 John Stuart Mill’s Autographed Draft Manuscript “Considerations on Representative Government.” Transcription of Chapter 2 and 3. <i>SEIKEI KENKYU</i> . Vol. 56 (4). 2020.
[Ch. 3] That the ideally best form of government is representative government	
[Ch. 16] Of Nationality, as connected with Representative Government	「ジョン・ステュアート・ミル『代議制統治論』 自筆草稿——第16、17、18章（翻刻）——」 『法学紀要』61巻、2020年 John Stuart Mill’s Autographed Draft Manuscript “Considerations on Representative Government.” Transcription of Chapter 16, 17 and 18. <i>HOGAKU KIYO</i> . Vol. 61. 2020.
[Ch. 17] Of the government of dependencies by a free state	
[Ch. 18] O f F e d e r a l Representative Governments	
川又祐「ジョン・ステュアート・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巻2号、2015年 Kawamata, H. “John Stuart Mill’s Autographed Draft Manuscript Considerations on Representative Government in the Nihon University College of Law Library.” <i>SEIKEI KENKYU</i> . Vol. 52（2）. 2015. <a href="https://www.law.nihon-u.ac.jp/publication/doc/political52_2.pdf">https://www.law.nihon-u.ac.jp/publication/doc/political52_2.pdf</a>	

# **John Stuart Mill's Autographed Draft Manuscript “Considerations on Representative Government.” Transcription of Chapter 16, 17 and 18.**

**Hiroshi Kawamata  
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Nihon University College of Law (NUCL) Library houses a John Stuart Mill's autographed draft manuscript of “Considerations on Representative Government” ca. 1860. This time, we transcribe chapters 16, 17 and 18. In order to transcribe them rapidly and surely, we will issue the transcription of Considerations to the Journals of NUCL, *HOGAKU KIYO* and *SEIKEI KENKYU*.

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. Parentheses ( ) are by Mill. Brackets [ ] are by us.

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).

H\_018 to I\_006. [Chapter 16]

H\_018

### Of Nationality, as connected with Representative Government

Any body of persons may be said to constitute a Nationality, if they are united among themselves by common sympathies, such as do not exist between them & any others, which make them cooperate with each other, more willingly than with other people, & wish to be under the same government, & that the government of themselves or a portion of themselves, exclusively. This feeling of nationality may have been produced by various causes : it is sometimes the effect of identity of race, & descent : community of language & of religion greatly contributes to it ; geographical limits are one of its causes ; & the strongest of all, is community of political antecedents ; the possession of a national history & the consequent community of recollections, the collective pride & humiliation, pleasure & regret, connected with the same incidents in the past. None of those circumstances however are either essential or necessarily sufficient by themselves : Switzerland has a strong sentiment of nationality though the different cantons speak different languages, profess different religions, & belong to different races : Sicily feels itself wholly distinct in nationality from Naples notwithstanding an almost identity of language & a great amount of common historical antecedents : The Flemish & the Walloon provinces of Belgium notwithstanding their diversity of race & language, feel much more of a common nationality than the former with Holland

or the latter with France : Yet in general the national feeling is proportionally weakened by the failure of any of the causes which contribute to it. Identity of language & partially of race & historical recollections have kept up a considerable amount of

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the feeling of nationality among the different portions of the Gerrman[sic. German] name, though they never have been really united under the same government ; but the feeling has never reached to making the separate states desire to get rid of their autonomy. In Italy, an identity far from perfect of language & literature combined with a geographical position which separates them by a distinct line from other countries, & perhaps in a great degree the possession of a collective name, which makes them all glory in the past achievements in arts, arms, politics, religious primacy, science & literature of any who share in the name have kept up a certain (though hitherto imperfect) amount of national feeling in Italians generally notwithstanding a great admixture of races, & though they have never either in ancient or modern history been under the same government except when that government extended or was extending itself over the greater part of the known world.

Where the sentiment of nationality exists there is a prima facie case for uniting all the members of the same nationality under the same government, & a government to themselves apart. In the absence of reasons to the contrary it is a strong reason, that by the supposition they would prefer it. But when a people are ripe for free institutions it is a

still stronger reasons that free institutions are nearly impossible in a country made up of different nationalities. The united public opinion necessary for the working of representative government cannot exist among a people without fellow feeling, especially if they read & speak different languages. The influences which

H\_020

form opinions & decide political acts, are different in the different sections of the country : the same things affect them in different ways ; & the different nationalities will generally band themselves against one another : at all events **powerful** local individuals, or a designing government, will have no difficulty in playing them off one against another. Their mutual antipathies are generally much stronger than their jealousy of the government : that one of them feels aggrieved by the policy of the government is generally sufficient to determine another to support that policy even if all are aggrieved, none feel that they can rely on the others for fidelity in a joint resistance, & each thinks it promotes its own advantage more by bidding for the favour of the government against the rest. Above all, the grand, & only sure security in the last resort against the despotism of the government, is in that case wanting: the sympathy of the army with the people. The military are a part of the community in which from the nature of the case, the distinction between their fellow countrymen & foreigners is the deepest & strongest : foreigners being to them not merely strangers but men against whom they may be called on, at a week's notice, to

fight for life & death. To them the difference is that of friends  
& enemies, almost that of fellow men & other animals. Soldiers to whose  
feelings half or three fourths of the subjects of the same government are  
foreigners, will have no more scruple in mowing  
them down than they would have in doing the same thing to  
declared enemies. An army composed of various nationalities

[H\_020 verso blank]

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has no other patriotism than devotion to the drapeau : the  
only bond of connexion between them is their officers & the  
government whom they serve, & their sole idea of  
public duty is to obey its orders. Such a government by keeping  
its Hungarian regiments in Italy & its Italian in Hungary,  
can rule everywhere with the iron rod of foreign conquerors.  
For these reasons it is in general a necessary condition of free  
government, that the boundaries of governments should  
in the main coincide with the boundaries of nationalities.

But there are various reasons which are liable in  
practice to interfere with this general principle. In the first  
place, its application is often precluded by geographical  
reasons. There are parts of the earth in which different nationalities  
are so locally intermixed that it is impossible for them to be  
under separate governments. The population of Hungary is  
made up of Magyars, Slovacks[sic], Croats, Serbs, Roumans, & in some

districts even Germans, so that they cannot be separated, & nothing is practicable but that they should attempt to act together under equal rights & laws. It is probable that their present community of servitude, which never existed till the destruction of Hungarian independence in 1849 is now ripening & disposing them to such an equal union. Again, the German colony of East Prussia is separated from Germany by part of the ancient Poland, & being too small to preserve separate independence must either be under a non German government or the intervening Polish territory must be under a German one. Another district

#### I\_002

in which the dominant element of the population is German. The territory of Courland, Livonia, & Esthonia, is condemned by its local position to form part of a Slavonian state. In Eastern Germany itself there is a large Slavonic population : Bohemia is principally Slavonic, Silesia & Lusatia partly so. The most united country in Europe, France independently of the fragments of foreign nationalities at its remote corners, is divided in nearly equal proportions between a Frankish - Teutonic & a Gallo-Roman population.

Allowance having been made for geographical considerations another important moral & social consideration presents itself. Experience proves that it is possible for one nationality to merge & be absorbed in another : & when it is originally an inferior & more backward portion of the human race, it is greatly to its advantage to do so. Nobody can doubt



that it is greatly more advantageous to a Breton, or a Basque of French Navarre, to be a member of the great French nationality, admissible on equal terms to all the benefits of French citizenship, the advantages of French protection, & the dignity & prestige of French power to be brought into the regular circulating current of the ideas & feelings of a great & cultivated people, than to sulk on his own rocks the half savage relic of past times revolving in his own small orbit without interest or concern in the general movement of the world. The same remark applies to the Welshman & the Scottish Highlander as members of the British nation.

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Whatever promotes the admixture of the nationalities & the blending of their attributes & peculiarities in a common union, is a benefit to the human race. The united people like a crossed breed of animals, but through moral as well as physical influences, inherits the special aptitudes & excellences of all its ancestors, prevented by the admixture from being exaggerated & degenerating into faults. But to render this admixture possible there must be peculiar conditions.

The cases which present themselves are very various. The nationalities which are brought under the same government may be nearly equal in members & strength or they may be very unequal. If they are unequal, the smaller of the two may be the superior in civilization, or the inferior. If it be the superior it may through its

superiority be able to acquire ascendancy over the other or it may be overcome by brute strength & made the inferior. This last is a sheer mischief to the human race, & one against which the whole of civilized humanity should rise in arms. The absorption of Greece by Macedonia was one of the greatest calamities which ever happened to the world ; that of any of the principal countries of Europe by Russia would be a similar one.

If the smaller nationality, supposed to be the more advanced in improvements, is able to overcome the greater, as the Graeco - Macedonians did Asia, & the English India, there may be a gain to civilization but it is evidently impossible that the conqueror & the conquered should live together under

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the same free government. The absorption of the conquerors in the subject race is in that case an evil : these must be governed as subjects, & the state of things is beneficial or otherwise according as the conquered people have or have not reached the state in which it is for their benefit to be under a free government, or according as the conquerors do or do not use their power in a manner calculated to fit the subjects for a higher state of improvement. To this topic a separate chapter will be devoted.

When the nationality which prevails over the other is both the more numerous, and the more improved ; when the subdued nationality is small, & has no hope of reasserting its independence ; then if it is governed with

any tolerable justice, & especially if the members of the larger nationality are not made odious by being invested with any peculiar privileges from which the others are excluded, the smaller nationality is gradually reconciled to its new position, & becomes amalgamated in the larger. No Bas-Breton, nor even any Alsatian, has the smallest wish at the present day to be separated from France : if Irishmen are not yet in a similar state of mind towards England, it is partly because they are sufficiently numerous to constitute a respectable nationality by themselves, & partly because until of late years they have been so atrociously governed that all their best feelings combined in exciting bitter resentment against the Saxon rule. This disgrace to England & misfortune to the whole empire has now, it maybe said, completely

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ceased for nearly a whole generation. No Irishman is now less free than an Englishman, nor has a less share of any benefit either to his country or to his individual fortunes, than if he belonged to any other portion of the British Empire. The only real grievance of Ireland is that the State Church is one to which the half of the population do not belong ; & this is a grievance which nearly if not quite half the people of England have in common with them. There is therefore next to nothing except the memory of the past, & the difference in the predominant religion, to keep apart two races perhaps the most fitted of any two in the world to be the completing counterpart of one another : & the feeling of being treated with equal justice &

equal consideration is at last becoming so habitual in the Irish mind as to be gradually wearing away all feelings that conflict with the benefits reaped by the less numerous & less wealthy nationality from being fellow citizens & not foreigners to those who are not only their next neighbors, but the wealthiest, & one of the freest & most improved & powerful nations of the earth.

The case in which the greatest difficulty presents itself in respect to the blending of nationalities, is that in which the nationalities which have become united are nearly equal in numbers & in the other elements of power. In these cases each, confiding in its own strength, & feeling itself capable of maintaining an equal struggle with the other, is unwilling to merge in it, each cultivates with party obstinacy its distinctive peculiarities, & is apt to think that everything which is given to the other nationalities

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is taken from itself. It thinks itself injured if any authority is exercised over itself by any functionary of the rival race. When the nations which are thus divided are under a despotic government stranger to both or even sprung from one but feeling a greater interest in its own power than in its sympathies of nationality, & therefore assigning no privilege to either nation & choosing its instruments indifferently from both in the course of a few generations identity of situation generally produces harmony of feeling, & the two races come to consider each other as fellow countrymen, especially if dispersed over the same tract of country. But if the era of

aspiration to free government arrives before this fusion has been effected, difficulties commence ; & in that case, if the unreconciled nationalities are geographically distinct, & especially if their geographical position is such that there is no convenience or natural fitness in their being under the same government (as in the case of an Italian provinces under French or German rule) there is not only an obvious propriety but if either freedom or concord is cared for, a necessity, for breaking the connexion altogether. There are cases in which the provinces when separated might usefully remain united by a federal tie; but it will generally happen that if they are willing to become members of a confederation each will have other neighbours with whom it has more sympathies in common, if not also greater community of interest

I\_007 to I\_017. [Chapter 17]

I\_007

### Of Federal Representative Governments

Portions of mankind who are not fitted, or not inclined to live under the same internal government, may often with advantage be federally united, as to their relations with foreigners : both to prevent wars among themselves, & for the sake of more effectually defending themselves from the aggression of more powerful states.

To render a federation advisable several conditions appear to be necessary. The first is that there should be a certain amount of mutual sympathy among the populations. The federation

binds them always to fight on the same side ; & if their feelings towards one another are such that they would generally like better to fight on opposite sides, the federal tie is neither likely to be permanent, nor to be faithfully adhered to while it subsists. The sympathies most effectual for this purpose are those of race language, religion, & above all, of political institutions. Where a few free states, separately insufficient for their own defence[sic. defense], are hemmed in all round by military or feudal monarchies, who hate and dread freedom even in a neighbour, the common interest arising from this cause has in Switzerland, for several centuries, been found adequate to maintain efficiently the federal tie in spite not only of diversity of race, language, & religion, but of great weakness in the constitution of the federation itself. In America, where all the conditions for the maintenance of union exist at the highest point, with the sole drawback

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of difference of institutions in the one particular of slavery this one difference goes so far in alienating the two decisions of the Union from each other's sympathies as to render the dissolution of the federation a subject of common talk & discussion ; & though in a country of such <sup>(1)</sup> παρησία laid talking very far precedes the readiness to act, it is not beyond probability that this single cause of separation may ultimately prove too strong for all the numerous & powerful motives to union.

The second condition for a federal government is that the separate states be not powerful enough to be able to protect themselves

with assurance against foreign encroachment by their individual strength. If they are, they will be apt to think that they do not gain by union with others, the equivalent of what they sacrifice in their own liberty of action : & whenever the foreign policy of the Confederation differs in any way from that which one of its members is separately disposed to pursue, the internal & sectional breach will through the absence of any sufficient desire to preserve the Union, have a chance of giving so far as to endanger it.

A third condition no less important is that there shall not be a very marked inequality of strength among the several contracting states. They cannot be exactly equal in resources : there will always be a gradation among them some will be more populous wealthy, & civilized than others, but there must not be one conspicuously more powerful than the rest a capable of vying in strength

I\_009

with a number of the others united. If there be that one will insist upon being master of the joint deliberations ; or if there be two, they will be masters whenever they agree, & when they differ all will be decided by a struggle for ascendancy between those rivals. This cause is sufficient to reduce the German Bund to an almost nullity even independently of its wretched internal constitution. It has never yet existed for any practical purpose but to give Austria & Prussia a legal right of pouring in their troops to assist the local sovereigns in

keeping their subjects in obedience to despotism ; while every one sees that in regard to external concerns the Bund would make all Germany a subject dependency of Prussia, if there were no Austria, or if Austria, if there were no Prussia, & that at present each petty prince has little other choice than to be a partisan of one or of the other.

There are two modes of organizing a Federal Union. The federal authorities may represent the Governments only & their acts may be binding only on the governments or they may have the power of issuing orders binding directly on individual citizens. The former is the plan of the German so called Confederation & of the old Swiss Constitution up to 1847. It was tried in America for a few years after the War of independence. The other is the principle of the present Constitution of the United States & has been adopted within the last dozen years by the Swiss Confederacy. The Federal Congress of the United States is a part of the government of

I\_010

each individual State. Within the limits for constitutional attributions, it makes laws which bind every citizen individually, it executes them through its own officers & enforces them through its own tribunals. This is the only principle which has been found, or is ever likely to produce a real federal government. A union only between the governments is a mere alliance, & is subject to all the contingencies which make alliances precarious. If the acts of the President & of the Congress were binding only on the several Governments



of New York, Virginia, or Pennsylvania, & had to be carried into effect through orders issued by those governments to officers appointed by them, under responsibility to their local courts of justice, no mandates of the Federal Government which were disagreeable to a local majority would ever be executed. Orders issued to a Government have no other sanction or means of enforcement than war ; & a Federal Army must be always in readiness to enforce the decrees of the Federation against any recalcitrant State, with the probability that other States, sympathizing with the recusant, or sharing its sentiments on the particular point in dispute would withhold their contingents & perhaps even send them to fight in the ranks of the disobedient State. Such a federation is in truth, more a cause than a preventive of internal wars, & of such had not been its effect in Switzerland until the years immediately preceding 1847, it was only because the Federal

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Government felt its weakness so strongly that it hardly ever attempted to exercise any real authority. In America the experiment of a Federation on this principle entirely broke down in the first few years of its existence, happily while the men of larger views & acquired moral ascendancy, who founded the independence of the Republic, were still alive to guide it through the difficult transition. The “Federalist” a collection of papers by three of these eminent men, in which every point in the principles of the new Federal Constitution was discussed & vindicated, remains still the most instructive treatise we possess on

federal government. In Germany, the more imperfect kind of federation, as all know, has not even answered the purpose of an alliance. It has never, in any European war, prevented individual members of the Federation from allying themselves with foreign powers to fight against the rest of Germany. Yet this is the only kind of Federation which is compatible with monarchical government. A King, who holds his power by inheritance, not by delegation, & who cannot be deprived of it, nor made responsible to any one for its exercise is unlikely ever cheerfully to submit to the exercise of sovereign authority over his own subjects, not through him but directly by another power.

Where every citizen of any of the states of the Federation over obedience to two governments that of his own State

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& that of the federation it is evidently necessary not only that the constitutional limits of the authority of each should be precisely & clearly defined, but that the power to decide between them in any case of dispute should not rest with either of the two governments but with an umpire independent of both. There must be a Supreme Court of Justice, & a system of subordinate Courts in every state of the Union, before whom all such questions shall be carried, & whose decision of them shall be final : & every State of the Union, & the Federal Government itself, as well as every individual citizen must be liable to be sued in those Courts,

for exceeding their powers or non performance of their federal duties  
& must be obliged to employ those Courts as their instrument  
for enforcing their federal rights. This involves the consequence  
actually realized in the United States, that a  
Court of Justice, the highest Federal Tribunal, is  
supreme over the various Governments, both State & Federal  
to the extent of deciding that any law made or  
act done by them exceeds the rights assigned to them by  
the Federal Constitution, & in consequence refusing it legal  
validity. It was very natural to feel strong doubts before  
trial had been made whether such a provision would work ;  
whether the tribunal would have the courage to exercise  
its power, whether it would exercise it well & whether  
the Governments could be induced to submit peaceably to  
decision. The discussions on the American Constitution

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**show** these natural apprehensions to have been strongly felt, but  
during the two generations & more which have  
since elapsed, nothing has occurred to verify them; though  
there have at times been       <sup>(2)</sup> disputes of considerable acrimony  
respecting the limits of the authority of the Federal & State  
Governments. This beneficial working probably arises in  
some measure from the peculiarity inherent in a Court of Justice  
acting as such viz. that it does not declare the law eo nomine  
& in the abstract, but waits until a case between  
man & man, is brought before it judicially, working the  
point in dispute ; from which arises the happy effect that

its declarations are not made in a very early stage of the controversy, that much popular discussion usually precedes of that decision itself is made after hearing the point fully argued on both sides by lawyers of reputation, & when given does not seem volunteered for political purposes but drawn from the Court by its own proper duty of dispensing justice impartially between adverse litigants.

The same tribunals which thus act as umpires between governments naturally decide also all disputes between two or more of the States, or between a citizen of one State & the government of another. The usual remedies of war & diplomacy being precluded by the federal union it is of course indispensable that a judicial remedy should supply their place.

#### I\_014

The powers of the federal government naturally extend not only to peace & war, & all questions which arise with foreign governments, but any others which are in the opinion of the States, necessary to enable them to enjoy the full benefits of the Union. For example, it is a great advantage to them that their mutual commerce should be free, unrestricted by frontier duties & custom houses : but this cannot be the case if each state has the power of fixing the duties on interchange of commodities between itself & foreign countries: & hence all custom duties & regulations in America are at the discretion of the federal government. Again it is a great convenience to all the States to have the same coinage

& the same system of weights & measures : which can only be if these matters are left exclusively to the Federal Government. The certainty & the celerity of Post Office communication is much impeded if a letter has to pass through half a dozen sets of public offices subject to different authorities ; & the expense is much increased by the same cause : it is convenient, therefore, that all Post Offices should be subject to the Federal government. But on such questions the feelings of different countries frequently differ. One of the American States, under the guidance of a thinker of perhaps greater calibre than any other who has yet appeared in American politics (Mr. Calhoun) claimed & veto for each State on the Custom Laws of the Federal Government : & one of the most disputed topics in American politics has been whether the persons of the Federal Governments ought to extend, or under the Constitution do

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actually extend to constructing roads or canals at the charge of the federal revenues. It is only in transactions with foreign powers that the control of the federal government is altogether a matter of necessity. On every other subject the question depends on how closely the people in general wish to draw the federal tie ; what portion of their local freedom of action they are willing to resign in order to enjoy in a greater degree the benefits of being one nation.

Respecting the proper constitution of the federal government within itself, much **needs** not be said. It will of course have a representative branch & an executive, & concerning the constitution of each the principles which apply to representative

government in general are applicable. It is only specially to be remarked, that a provision of the United States Constitution respecting the Congress seems exceedingly judicious viz. that it should consist of two Houses, & that while one of them is constituted according to population each State being entitled to representatives in the ratio of its numbers, the other should represent not the citizens but the State Governments & that every State whether large or small should be represented in it by the same number of members. This provision effectually guarantees the reserved rights of the State Governments, by making it impossible that any measure should pass Congress unless it is supported by the votes both of a majority of the citizens & also of a majority of the States. And it has the incidental advantage of raising the standard of qualifications in one of the two Houses

I\_016

since that House is nominated by select bodies, the Legislatures of the different States, whose choice is likely to fall on more eminent men than any popular election for the reasons stated in treating of the election of President. The Legislatures have the power of electing their own **local** men ; & they have a strong motive to do so since the influence of their State in the general deliberations will necessarily depend in some degree on the personal weight & abilities of its representative. Accordingly the Senate of the United States has always been distinguished by containing nearly all the politicians of established & high reputation in the Union. The Lower House of Congress has been generally remarkable for the absence of conspicuous personal

merit ; the Upper House, for its presence.

When the conditions exist for the formation of an efficient & durable Federal Union, the multiplication of such Federations is always a benefit to the world. It is beneficial like any other extension of the practice of corporation enabling the weak by uniting to meet on equal terms with the strong. By diminishing the number of those who are not sufficient for their own defence, it greatly weakens the temptations to an aggressive policy. It of course puts an end to war & quarrels & usually also to restrictions on commerce, among the different states composing it ; while in reference to neighbouring powers, the increased military strength which it creates is of a kind to be almost exclusively available for

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defence, very little so for attack. A federal government has not a sufficiently concentrated authority to conduct with much efficiency any war but one of self defence, in which it can count upon the voluntary coorporation of every citizen : nor is there anything very flattering to national vanity or ambition in acquiring by a successful war not subjects, nor even fellow citizens, but only new independent members of the federation. The warlike proceedings of the Americans in Mexico are purely exceptional, having been carried on principally by volunteers animated by a strong sectional interest that of slavery, & not at all by the desire of national aggrandizement. There are very few signs in the proceedings of Americans nationally or individually that this last motive has any

considerable power over them. Their hankering after Cuba is in the same manner, merely sectional, & the northern states, those opposed to slavery, have never in any way favoured it

I\_018 to J\_012. [Chapter 18]

I\_018

### Of the government of dependencies by a free state

Free states, like any others may have dependencies, obtained either by conquest or by a colonization, & our own is the most striking of all cases in point. The question is of great importance, how such dependencies ought to be governed.

It is unnecessary to discuss the case of small posts, like Gibraltar, Aden, or Heligoland, which are held only as military or naval positions. With these, the military or naval object is paramount & the inhabitants cannot consistently with it be admitted to the government of the place, though they ought to be allowed all liberties & privileges comfortable with that restriction, & as an equivalent for it, should be freely admitted to all the rights of British subjects elsewhere.

Outlying territories of some size & population, which are held as dependencies that is, which are subject to the laws & lawful orders of the paramount country without being equally represented (generally without being represented at all) in its legislature, are of two classes. Some are composed of people of similar civilization to the ruling country



capable of, & ripe for, representative government  
such as British America & Australia. Others, like India,  
are still far removed from that state.

With regard to the former class, this country has at length  
realized, in rare completeness, the true principle of government.  
England has always felt under some obligation to allow  
to such of its dependencies as were of its own blood & language

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& to some which were not representative institutions bearing some  
likeness to its own; but until the present generation it has been  
on the same bad level with other countries as to the interference it  
exercised even with those dependencies, in their own internal  
affairs : And this habit did not at once **die out** even on the  
abandonment of the old vicious ideas of colonial policy common  
to all Europe & not yet totally relinquished by any people but  
ourselves, which regarded colonies as valuable by affording  
markets for our commodities which we could keep entirely  
to ourselves ; a privilege we valued so highly that we thought  
it worth purchasing by giving the colonies in return a similar  
monopoly of our market for their own products.

This notable plan of enriching them & ourselves by robbery  
each for the supposed benefit of the other, has been abandoned.  
It was not till later that we gave up the practice of meddling  
in the internal government of the colonies, not for our  
own benefit but generally for that of a section or faction among  
themselves. A different era began with Lord Durham's  
celebrated report, the imperishable memorial of that nobleman's

courage & patriotism & enlightened liberality, & of the intellect & practical wisdom of its joint writers, Mr. Wakefield & the lamented Charles Buller.

It is now both in theory & in practice the colonial policy of Great Britain, that its colonies of European race shall have representative self government in the fullest sense. They have been allowed to make their own free constitutions, or at least to alter

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in any way they chose the way for constitutions which we have given them. They have a legislature of their own & an executive of their own on the most democratic principles ; the veto of the Crown & of Parliament though nominally reserved, being only exercised where the question is one which concerns the whole Empire, or not solely the particular colony. The Colony has thus as completely the control of its own affairs, as it could have if it were a member of even the loosest Federal Union, & much more do than it would have under the Constitution of the United States, since it is even at liberty to tax at its pleasure the commodities of the mother country. Its union with England is the slightest[sic. slightest] kind of federal union ; but not strictly an equal federation, the mother country reserving to itself the powers of the federal government. This inequality is of course, so far as it goes, a disadvantage to the depending ; which has no voice in foreign politics, but is bound by the decisions of the superior country. It is compelled to join England in war, without

being in any way consulted before engaging in it.

Those (happily new not a few) who think that justice is as binding on communities as on individuals, & that an act which would be a crime if done by one person for his own benefit is not turned into a virtue by being perpetuated ostensibly for the body of people to whom he belongs, have latterly often occupied themselves in considering what means can

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be contrived of removing this slight inequality. It has with this view been proposed by some that the British colonies should have the right of electing representatives to the British legislature ; & by others, that in addition to our own Parliament for domestic purposes, there shall be another representative body for foreign & imperial concerns, in which last the dependencies of Great Britain should be represented in the same manner as Great Britain itself. There would thus be a real & equal federation between Great Britain & her colonies, then no longer dependencies.

This suggestion however is so opposed to all rational principles of government, that it is wonderful it should have been seriously accepted as a possibility by any reasonable thinker. Countries separated by half the globe cannot fulfil the necessary conditions for being under

one government, or even for being members of one federation. They have not sufficiently the same interests. They are not composed of the same or similar classes & varieties of occupation. They are not under similar moral & intellectual influences. They do not form part of the same public ; they do not discuss & deliberate in the same arena, but apart, & have only the most imperfect knowledge of what is passing in the minds of one another. Let any Englishman ask himself how he should like his destinies to depend on an assembly of which one third was British American & another third South African &

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Australian. Yet to this it must come very rapidly under anything like equal or fair representation ; & would not every one feel that these Canadians & Australians could not sufficiently know or feel any sufficient concern about English, Scotch, & Irish interests ? Even for federal purposes the conditions are not realized which we have seen to be essential to a federation. England is sufficient for its own protection without the colonies ; & would be in a much better as well as more dignified position if separated from them than when reduced to be a single member of an American & Australian federation. England derives very little advantage, except in *pré*stige, from her dependencies, except the commerce which she might equally enjoy in case of separation ; & the little she does derive is quite outweighed by the expense they cost her & the dissemination they produce

in her naval & military force; which in case of actual war, or even of war in expectation, requires to be double or triple what would be required for the defence of this country alone.

But though Great Britain could perfectly do without her colonies, & though she ought to consent to their separation should the time come when they seriously & deliberately desire it, there are strong reasons for prolonging the present slight bond of connexion as long as it is not disagreeable to either party. It is a step as far as it goes towards universal peace

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& general friendly cooperation among nations. It precisely was, at all events among a large number of otherwise independent communities & moreover hinders any of them from being absorbed & becoming a source of additional aggressive strength to some rival power either more despotic or nearer at hand, which may not always be so unambitious or so pacific as Great Britain. It at least keeps open the markets of the different countries to one another & prevents mutual exclusion by hostile tariffs. And in the case of the British possessions it has the advantage of adding to the moral influence of a power which of all in existence best understands liberty, & has the most of conscience & sense of principle in its dealings with other countries. Since then the union can only continue on the plan of an unequal Federation, in which the federal power remains with the mother country, it is important to consider in what manner this small amount of inequality can be prevented from being onerous or humiliating to the communities

occupying the less exalted position.

The only inferiority inherent in the case is that the mother country must decide both for the colonies & for herself on questions of peace & war. They gain, in return the obligation of the mother country to repel aggressions made upon them ; but reciprocity of obligation is not a full equivalent for non admission to a share in the deliberations. It is essential therefore that in any wars not incurred for the sake of the

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particular colony the colonists should not be called on to defray any of the expenses (unless they make the offer voluntarily) except what may be specifically incurred for the local defence of their own ports & shores against invasion. Further, as the mother country claims, the sole power of taking measures which may expose them to attack, it is just that she should undertake a considerable portion of the cost of their military defence ; the whole of it, so far as it depends upon a standing army.

Finally, there is a means by which a full equivalent may be given to a small community for sinking its individuality as a substantive power among nations, in the greater individuality of a larger & powerful empire. This is to open the service of Government in every department & in every part of the empire on perfectly equal terms, to the inhabitants of the Colony. Why does no one ever hear of a breath of disloyalty from the Channel Islands ? In race, religion, & geographical position they belong less to England than to France. But

while they enjoy the full local command over their local affairs, in the same manner as Canada every office or dignity in the gift of the British Crown is open to the native of Guernsey or Jersey : generals, admirals, peers of the United Kingdom are made, & prime ministers might be made, from those insignificant islands. The same system was commenced by an enlightened Colonial Secretary, Sir

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William Molesworth, in reference to our Colonies, when he appointed Mr. Hinckes, a leading Canadian politician, to a West Indian government : If we prevent the leading men of a community from standing forth in the eyes of the world as its chiefs & representatives in the general councils of mankind, we owe it both to their legitimate ambition, & to the just pride of the community, to give them in exchange an equal chance of occupying the same prominent position in a nation of greater power & importance. Were the whole service of the British Crown freely opened to the natives of the Ionian Islands, we should soon hear no more of the desire for union with Greece.

Thus far of dependencies which are in a sufficiently advanced state of improvement to be filled for representative government. But there are others which have not reached that state, & which, if retained at all, must be governed by the dominant country, or its delegates ; & may rightfully be so if that country is in a condition to give it a better government than its own, & one mere conducive to its improvement :  
But the mode in which a government

may best be constituted for such a dependency, is by no means so well understood as in the case last discussed ; or rather, let us say it is not understood at all. The thing appears perfectly easy to superficial observers. If India (for example) is not fit to govern itself, let us they say have a minister to govern it ; & let that minister like all other British ministers be responsible to the British Parliament

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Unfortunately this though the most obvious mode of attempting to govern a dependency, is about the worst. To govern a country under responsibility to the people of that country, & to govern one country under responsibility to the people of another, are two very different things, & to be done well, require very different sets of conditions.

It is always very imperfectly, & under great difficulties, that a country can be governed by foreigners ; even when there is no very great inequality between the ruled & the rulers in **point** of civilization. Foreigners do not feel with the people. They cannot judge, by the light in which anything appears to their own minds, or the manner in which it affects their own feelings, how it will appear to the minds or act upon the feelings of the governed. What a native of the country of average practical ability knows as if by instinct, they have to learn slowly & much more imperfectly by study & experience. Again, the laws, the customs, the social relations, for which they to legislate, instead of being familiar to them from childhood, are all strange to them. They must often depend for knowledge on the information of



natives ; & it is difficult for them to know whom to trust. They are feared by the natives, distrusted by them, seldom sought by them except for interested purposes ; they are apt to think that the servilely submissive are the trustworthy ; their danger is that of despising the natives, that of the natives is disbelieving that anything the strangers do can be meant for their good. Against these & many other difficulties any rulers must have to struggle who attempt to govern well a country to which they are strangers.

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But the government of one people by another is nothing less in any case whatever, than a sheer impossibility, one people may keep another as a warren or preserve for its own benefit a place to make money in, a human cattle farm to be exploité for the profit of its own inhabitants. But if the good of the governed is a thing to be at all considered, such a provision for it is a mockery of common sense & feeling. Let any one consider how the English themselves would be governed, if they knew no more & could no more about their own affairs than they know & care about the affairs of the Hindoos. Even this comparison gives no adequate idea of what the government must be ; for in the case supposed they would probably be simply acquiescent, & let the government alone ; whereas in the case of the Hindoos amid habitual acquiescence, they are every new & then interfering & almost always for a wrong purpose. They are tempted to force English ideas down the throats of the natives, for instance by acts of proselytism, or at least by setting at naught the strongest religious feelings of the natives. Their interference is constantly invited in behalf of

some interest of the English settlers. Now if there be a fact confirmed by all experience it is that when a people holds a foreign country in subjection, the individuals of the ruling people who resort to the foreign country to make their fortunes are those who of all others most need to be held under powerful control by the government. Armed with the prestige & filled with the scornful overbearingness of the more powerful nation or race, they think the people of the country mere dirt under their feet, they allow no rights of their inferiors to stand in the way of their own interest ;

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the simplest act of protection to the natives against their personal oppression or commercial monopoly they regard & denounce as an injury ; in short they go there & live there with the feelings of buccaneers. So it is according to trustworthy testimony with the French settlers in Algiers ; so with the American in the countries conquered from Mexico ; so it is with the English in India & seems to be so with the Europeans in China & already even in Japan. In all these cases the government to which they are subject is better than they, & does what it can to protect the natives against them ; but it is they, not the natives, who have the ear of the public at home ; it is they who have home connexions, who have spokesmen in the press & in parliament, who can raise a cry ; it is they whose representations are likely, with the public at home, to pass for truth, because they alone have the means & the motive to press them perseveringly upon the

inattentive & uninterested public ear. And the executive, with their real but faint velleities of something better find it safer for their parliamentary interest, & at any rate less troublesome to give up the disputed position, than to defend it.

What makes matters worse is that when the public mind at home is invoked (as to its credit, the English mind may often successfully be) in the name of justice & philanthropy, in behalf of the subject community or race, things are no better. For in the subject community also there are oppressors & oppressed, powerful individuals & classes, & slaves prostrate before them &

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It is the former, not the latter, who have access to the English public. A tyrant or sensualist who has been deprived of the power he had abused, & is still supported in as great wealth & splendour as he ever enjoyed- a knot of privileged landholders who demand that the state should relinquish to them its reserved right to a rent from their lands, or who resent as a wrong some attempt to protect the masses against their oppression : these have no difficulty in procuring interested or sentimental advocacy in the British Parliament. The silent myriads obtain none.

A free country which attempts directly to govern a distant dependency, inhabited by a dissimilar people, by means of a branch of its own executive will inevitably fail. The only mode which has a chance of any tolerable success, is to govern through a delegated body. Such a body did exist in the case of India, & I fear that both

England & India will cruelly expiate the shortsighted policy by which this intermediate body was done away with.

It is of no avail to say that such a delegated body cannot have all the requisites of good government : cannot have that complete & ever operative identity of interest with the governed, which it has been so difficult a problem to obtain even where the people to be ruled are in some degree qualified to look after their own affairs. Real good government is not compatible with the conditions of the case ; the only thing to be had is choice of evils ; the only problem, so to construct the

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governing body that it shall have as much interest as possible in good government, & as little in bad. Now a delegated administration has at least this advantage over a direct one, that it has at all events no duties to perform except to the governed. It has no interests to consider except theirs. It can be kept entirely clear of any bias from individual or class influences at home ; the home government & parliament never can. Nay, if the home government & parliament are swayed by such partial influences on the exercise of the power necessarily reserved to them in the last resort, the intermediate body is the certain advocate & champion of the people of the dependency before the tribunal of the imperial authority. Then, the intermediate body will naturally & properly be composed chiefly of those who have acquired professional knowledge of the business, who have been trained to it in the place itself, & have made it the main occupation of their lives. Thus qualified, & not

being liable to lose their office from the accidents of politics  
 they identify their own dignity & importance with their special trust ;  
 & have, much more than any minister in a representation government  
 can have, a permanent interest in the  
 success of their administration, & the prosperity of the country  
 which they administer. So far as the appointment of those  
 who carry on the government on the spot, is conducted by this  
 body, such appointments are kept out of the vortex of party & parliamentary jobbing,  
 freed from the influence of those motives to profligate appointments  
 which are always stronger with statesmen of average honesty,

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than the sense of duty to the governed in  
 placing the fittest man to govern them.

In addition to thus securing professional  
 knowledge in the authority, it is absolutely necessary  
 to make regular provisions for such knowledge in those who carry on the local  
 administration. It is perfectly fatal to send out men from the  
 mother country, for personal or political conveniences, to  
 get themselves into high appointments without having  
 learnt their business by passing through the lower ones. They  
 must be sent out in youth, as candidates only, to begin at the  
 bottom of the ladder, & ascend higher or not, as, after a  
 proper interval, they are found qualified. The selection of these  
 youthful candidates is best made by competitive examination :  
 & the security against jobbing may be made tolerably complete  
 if the supreme dispensers of patronage, the Governors of the  
 dependency, are nominated by the Crown, that is, by the general

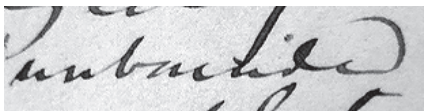
Government, not by the intermediate body ; since a great officer of the Crown will probably have not a single personal or political connexion among the local functionaries, to bias him in the selection for offices, while the delegated body, most of whose members will have themselves saved in the country, may & occasionally have such connexion. This valuable security for honest employment of patronage existed in the mixed government of the East India Company under the general control of the Crown. It is gone, with the whole system of securities

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which that form of home administration provided, in a degree never before realized in the government of dependencies, & I must fear never likely to be realized again. And by natural consequence a rapid progress is making towards getting rid of all the other securities, which existed in India itself, especially that primary one, the so called exclusive civil service, which **end** exclusive merely means that appointments are given to persons specially educated for them & rising gradually to them, instead of being thrown to Scotch cousins & greedy adventurers, connected by no tie with the country they are to govern, held to no previous knowledge, & eager only to make money & return home.

注

(1) 筆者たちが翻刻できなかったものを画像で示す。以下同じ。



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(2)

A small, square, black and white photograph of a handwritten signature. The signature is written in a cursive script, appearing to read 'J. S. Mill'. The ink is dark on a light-colored, slightly textured paper.