### 資 料

## ジョン・ステュアート・ミル 『代議制統治論』 自筆草稿

一第2章と第3章 (翻刻) 一

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『代議制統治論\*』自筆草稿を所蔵している。私たち著者は、前稿に引き続き、本草稿の翻刻に取り組んでいる。本稿で翻刻されるのは、『代議制統治論』第2章と第3章である。

前稿(序言と第1章)は、『法学紀要』60巻に掲載された。翻刻は、政経研究所における共同研究の成果である。本来であれば、その成果は『法学紀要』に掲載すべきである。しかしながら、『法学紀要』の刊行は年1回である。私たちは、翻刻作業を迅速かつ着実に進めるため、掲載誌が複数になっても、『法学紀要』と『政経研究』において翻刻を掲載することとした。

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。

\*前稿においてミルの表題を『代議政治論』と表記してきた。この度、関口 正司訳『代議制統治論』岩波書店、2019年が公刊された。従って、今後 は『代議制統治論』と表記する。

#### 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

( ):ミル本人が記したもの[ ]:筆者たちが補ったもの

**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).

#### 掲載誌/ Jounals

Preface	「ジョン・ステュアート・ミル『代議政治論』自筆草稿――
[Ch. 1] To what extent forms of government are a matter of choice	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. https://www.law.nihon-u.ac.jp/publication/doc/bulletin60.pdf
[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
[Ch. 3] That the ideally best form of government is representative government	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. 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
[Ch. 17] Of the government of dependencies by a free state	"Considerations on Representative Government." Transcription of Chapter 16, 17 and 18. <i>HOGAKU KIYO</i> . Vol. 61. 2020.
[Ch. 18] Of Federal Representative Governments	
II	

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." *SEIKEI KENKYU*. Vol. 52(2). 2015.

https://www.law.nihon-u.ac.jp/publication/doc/political52\_2.pdf

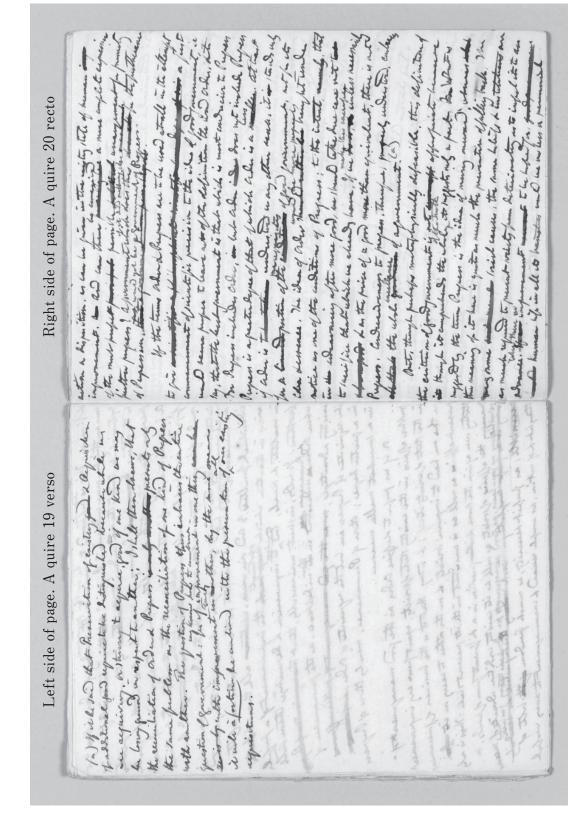
## John Stuart Mill's Autographed Draft Manuscript "Considerations on Representative Government." Transcription of Chapter 2 and 3.

Hiroshi Kawamata Atsushi Yoshino Yusuke Arai Thomas Lockley

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 the chapter 2 and 3 from it. 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. Word about which we are unsure are gray colored. Parentheses ( ) are complemented by Mill. Brackets [ ] are by us.

Image A\_020



A\_014 to B\_008. [Chapter 2]

 $A_{014}$ 

#### The Criterion of a good Form of Government.

The form of government for any given country being then, subject to certain definite conditions, a matter of choice, it is now to be considered by what test the choice should be directed; in other words, what

are the distinguishing characteristics of the form of government best fitted to promote the interests of any given society.

It may seem that we ought to begin by answering the preliminary question, what are the proper functions of a government? for [sic] since government altogether is a means to an end, the eligibility of the means must necessarily depend on the degree of their adaptation to the end. But this mode of stating the question is not, in the present stage at least

so appropriate as it might, at first sight, appear. For in the first place the proper functions of government are different in different states of society; much more intensive in a backward, than in an advanced state.

And secondly, the character of a government or set of political institutions cannot by any means be judged of while we confine the discussion

to the legitimate functions of government; for though the goodness of a government is necessarily circumscribed within limits of functions its badness unhappily is not. The influence of the government on the wellbeing of society has no bounds except those of human life itself. It can

be considered or estimated in reference to nothing less than the whole of the interests of humanity. The utmost evil that society is susceptible

of, may be inflicted by a government, & the whole of the good which it is capable of, can only be realized in so far as the constitution of the government is consistent with its pursuit.

Being thus obliged to place before us, in the outset of one enquiry, as the test of good or bad government, so large & complex an object as the aggregate interests of society, it is an obvious idea to begin by some kind of classification of these interests, which by bringing them before the mind in large & definite groups, may suggest what

#### $A_{015}$

qualities in the form of government are fitted to promote those various interests respectively.

Unfortunately, as we shall see, a classification of the interests of society is much easier to conceive, than to execute. Nearly all who in the last or present generation have applied themselves to political philosophy

with any largeness of view, have felt the necessity of such a classification;

but I am not aware that any of them has made more than one step towards the realization of the desired object. Their classification begins and ends with the partition of the exigencies of society under the

two heads of Order and Progress, as it is expressed by French thinkers:

Permanence and Progression, in the words of Coleridge. This division

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is rendered

very plausible & seductive by the apparently clean-cut opposition between its two members,

& the remarkable difference between sentiments to which they severally appeal; but I

apprehend, that however admissible in popular discourse, the distinction between Order, or Permanence, & Progress, if used to define the qualities

necessary in a government, is altogether unscientific & unphilosophical.

For, first, what <u>are</u> Order & Progress ? Concerning Progress there is at least no apparent

difficulty. When Progress is spoken of as one of the true great wants of human society, it may be supposed to mean Improvement. That is a tolerably distinct

idea. But what is Order? Sometimes it means more, & sometimes less; but it never, or hardly ever means the whole of what human society needs except improvement.

In its narrowest sense, Order means Obedience. A government is said to preserve order if it makes itself obeyed. In this sense Order expresses, doubtless, an indispensable attribute of government: that

which does not make itself obeyed, is not a government. But though a necessary condition, this certainly is not the <u>purpose</u> of a government.

That it should make itself obeyed is requisite in <u>order</u> that it may accomplish some other purpose. We are still therefore to

#### $A_{-}016$

find what is the purpose, common to all society, which government ought

to fulfil, abstractedly from the idea of improvement, in any society whatever

stationary, as well as progressive.

In a sense somewhat more enlarged, Order means the preservation of peaces by the cessation

of private violence. Order is said to exist, where

the people of a country have, generally speaking

relinquished the practice of prosecuting their quarrels by

private force, & acquired the habit of referring the decision of their disputes, & the

punishment of their injuries to the public

authorities. This is a larger use of the term than the foregoing: but, even

in this sense, Order still expresses rather one of the conditions of government, than either its purpose or its test. For

the habit may be completely established of submitting to government & referring all disputed matters to its authority, & yet the manner in which

the government deals with those disputed matters, & with all other matters

with which it meddles, may differ by all the distance which exists between the best & the worst possible.

To make the idea of Order include all these requirements of society from its government which are not comprehended in the idea of

Progress, it is necessary to consider Order as equivalent to the preservation of

every kind & amount of good which already exists,

and Progress as consisting in the increase of it.

The distinction, thus understood, does include in one section or the other, everything which a government can be required to promote. But thus understood, it affords no basis for a philosophy of government. It cannot be said that in constituting a government, certain provisions must be made for Order, & certain others for Progress; Since the conditions of Order, as thus

interpreted, & those of Progress, are not opposites, but precisely the same.

#### A 017

The agencies which tend to preserve the social good which already exists, are the same agencies which tend to increase it & vice versa; the sole differences being, that a greater degree of those agencies

is required for the latter purpose than for the former.

For example, what are the qualities in the individual citizen which most conduce to maintaining the amount of good conduct, of good management, of success & prosperity, which already exist in society?

Everybody will agree that those qualities are, industry, integrity, justice, & prudence. But are not these, of all qualities the most conducive to Improvement? &[sic] is not any increase of these virtues

an improvement in itself greater, than almost any other? Therefore, whatever qualities in the government are promotive of industry, integrity, justice, & prudence, are conducive both to Permanence & to Progression; only there is needed rather more of those qualities to make the society

decidedly progressive, than merely to keep it permanent.

Again, what are the particular qualities in human beings which seem to have a more especial reference to Progress, & do not so directly suggest the ideas of Order & Preservation? They are, chiefly, the qualities of mental activity, enterprise, & courage. But are not all these qualities fully as necessary for preserving the good we have, as for adding other good to it? If there is any one thing certain

in human affairs, it is, that valuable acquisitions are only to be preserved by the

continuation of the same energies which gained them; that things left to take care of themselves inevitably decay; that those whom success induces to relax their habits of carefulness & thoughtfulness & their willingness

to encounter disagreeables, seldom long retain their good fortune at its height.

Even the culmination of the qualities which tend to Progress, namely, originality or invention, is no less necessary for Permanence; since in the inevitable changes of human affairs, new inconveniences & new dangers

#### $A_{018}$

continually opening up, which must be encountered by new resources and

contrivances in order to keep things going even only as well as they did before.

Whatever qualities therefore in a government tend to encourage activity,

energy, courage, originality, are requisite for Permanence as well as

for

Progression; only a somewhat less degree of them will on the average suffice for the former purpose, than for the latter.

To pass from the mental to the outward & objective requisites of society, it is impossible to point out any arrangement of social affairs which

conduces to Order only or Progress only; whatever promotes either promotes

both. Thus take the case of a police. Order is the object which most obviously presents itself as interested in the efficiency

of this part of the social organization. Yet if it is effectual to promote order, that is, if it represses crime, & enables everyone one to feel

his life & property secure, can any state of things be more conducive to progress? does[sic] not the better repression of crime repress also the disposition which tend to crime, & so improve the general morality? Is not the greater security of property one of the main conditions and causes of greater production, that is of Progress in the most familiar form? Does not the release of the individual from the cares & anxieties incident to a state of imperfect protection, set his faculties at liberty to be employed in every kind of effort for improving his own state & that of others? And does not the same cause, by attaching him to society, & making him no longer see in his fellow creatures enemies against whom he must be ever on his guard, tend to promote all these feelings of kindness & fellowship towards others, & of interest in the general well being of the community, which are such important parts of social

improvement?

Take again so familiar a case as that of a good system of taxation

 $A_{019}$ 

& finance. This is usually suffered to be in the province of Order. Yet can anything be more conducive to Progress? A financial system which tends to the one conduces by the very same qualities to the other. Economy, for example: does not that equally preserve the existing stock of wealth, & favour the acquisition of more?

A just distribution of burthens; does not this strengthen the sentiment of justice in a people as well as satisfy that sentiment? Such a mode of levying the taxes as does not impede the industry, or unnecessarily

interfere with the liberty of the citizen; this promotes not the preservation only but the increase of the national wealth & the more active use of the

individual faculties. And vice versa, all those

errors in taxation which obstruct the improvement of a people in wealth & morals, tend also to impoverish & demoralize them with further. It holds, in short, universally, that

when Order & Permanence understood in their widest sense, as the permanence of

existing advantages,

the requisites of Progress are but the requisites of Order in a greater degree; those of Permanence, merely those of Progress in a somewhat smaller measure.

Or if we prefer to describe Order as the good management of public affairs in the existing state of society, apart from any improvement

in the state of society itself; & to say, that it is the business of government

on the one hand to improve society, & on the other to carry on its present affairs as well as is consistent with its present state: This is only

stating over again the same question in a different form of words.

Managing the affairs of society as well as its existing condition admits of, means

what \_\_\_\_\_\_ as first laws, as good arrangements for administrating justice,

as perfect security, as much freedom both of thought & of action, as ample reward & encouragement to every useful

#### $A_{-}020$

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(a) If it be said that Preservation of existing & Acquisition of additional good acquire to be distinguished because while we are acquiring, or striving to acquire, good of one kind we may be losing ground in respect to another; I shall then observe, that the reconciliation of Order & Progress presents only the same problem as the reconciliation of one kind of Progress with another. The question of Progress thus embraces the entire question of government; for if one knows how to combine improvement in one thing

with improvement in every other, by the same means it will <u>à fortiori</u> be combined with the preservation of all our existing acquisitions.

[Right side of page. A quire 020 recto.]

action or disposition, as can be given in the existing state of human improvement. And can there be conceived a more complete expression of the most perfect possible arrangement for precisely further progress? A government which if it did nothing else does this for the furtherance

of Progression, would yet be a government of Progress.

If the terms Order & Progress are to be used at all in the attempt to give a first

commencement of scientific precision to the idea of good government, it would seem proper to leave out of the definition the word Order, & to say, that the best government is that which is most conducive to Progress.

For Progress includes Order, but Order does not include Progress.

Progress is a greater degree of that of which Order is a less. At least if Order is understood in any other sense, it stands only for a portion of the prerequisites of good government, not for its idea & essence. The idea of Order would be more properly taught under

notice as one of the conditions of Progress; to the intent that in endeavouring after more good, we should take due care not to sacrifice that which we already have. If we make this sacrifice unless necessarily

& as the price of a good more than equivalent, there is not Progress. Conduciveness to progress, therefore, properly understood, contains

the whole excellence of a government. (a)

But, though perhaps metaphysically defensible, this definition of the criterion of good government is not appropriate, because though it comprehends the whole of the truth it suggests only a part. What is

suggested by the term Progress is the idea of moving onward, whereas the meaning of it here is quite as much the prevention of falling back. The

very same social causes, the same habits & institutions are as much required to prevent society from deteriorating as to impel it to an

advance. Were there no improvement to be hoped for, human life in all its \_\_\_\_ (2) would be no less a perennial

#### A 021

struggle against deterioration: as it is even now is.

In the

ideas of the ancients, politics consisted wholly in this. The natural tendency

of men & their works was to degenerate, which tendency, by good institutions virtuously administered, it might be possible for an indefinite length of time to counteract. Though we no longer hold this opinion; though, most men in the present age believe that the natural tendency of things on the whole is towards improvement, it is a truth which should never be unheeded that there is an incessant & ever flowing current of human affairs

towards the worse, consisting of all the follies, all the vices, all the negligences, indolences & supinenesses of mankind; which is only controlled & kept from sweeping all before it by the exertions which some

constantly & others by fits put forth in the direction of

These reasons render the word Progress, as unfit as

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upward movement.

the terms Order & Permanence, to form the basis of any classification of the requisites of a form of government. The fundamental antithesis which these words denote, does not lie in the things themselves so much as in the two different types of human character which answer to them. There are, as every one knows, some minds in which caution, & the desire to avoid imperilling what is already possessed, is a stronger sentiment than that which prompts to improve the old & acquire new advantages; while there are other's minds in which the preponderance is the contrary way. This

consideration is of

importance in composing the personnel of any political body; it is desirable that persons of both types should be included in its composition

in order that the qualities of each may be tempered with those of the other, & it is right that in the constitution of such bodies, attention paid to this object, though the natural & spontaneous admixture of the old and the young, of those whose position and reputation are made & those who have them still to make, will in general sufficiently

answer the purposes without any express provision.

Since we have not found the properties necessary for the groundwork of our classification, in the distinction most usually adopted for that purpose, we have to seek for some other leading distinction, better adapted to that use. Such a distinction may perhaps be indicated by the following considerations.

When we consider what are the causes of & conditions on which good government, in any of its senses, from the humblest to the most exalted, depends, we find the principal of them to be, the qualities of the human beings composing the society over which the government is exercised.

For example, take the administration of justice. The character of the machinery used

#### $A_{-}023$

for that purpose is far from being unimportant; indeed it is in some respects important in even a higher sense than is commonly supported. But it yields in importance to the qualities of the human agents. How for example can there be a good administration of justice if the moral

condition of the people is such that the witnesses generally lie, & the judges & their subordinates take bribes? Again, how is it possible to

have a good municipal administration, if there is such indifference to the

subject that the persons who would administer honestly & competently are unwilling to serve, & the duties are left to those who undertake them from motives of private interest? Of what avail is the most extensively popular representative system, if those who have a right to vote do not care to choose the fittest member of parliament, but choose

him who will spend most money to be elected? How can a representative

assembly work for good if its members are bought & sold, or if their excitability of temperament makes them incapable of calm deliberation & they come to blows on the floor of the

house, or shoot at one another with rifles? How, again, is it possible that government or any other joint concern can be well carried on, among a people so envious that if any one among them seems likely to succeed in anything, there is immediately a confederacy among those

who ought to cooperate with him, to make him fail? When the general disposition of the people is such as leads each to regard only those of his interests which are selfish & not to dwell upon or concern himself for his share of the general interest, no good government is possible. I have spoken only of moral defects. Defects of intelligence, & their influence in obstructing all the elements of good government require no illustration. All government consists of acts done by men; & if the men who

do the acts, or the men who choose those who do the acts, or the men to whom those who do the acts are responsible, or the lookers-on whose opinion ought to influence & check those who do the acts, if all or any of these are mere masses of ignorance, stupidity, & baleful prejudice

#### A 024

all the operations of government will go wrong; & in proportion as the men

rise above this standard, so will the government improve in quality; up to the highest point of excellence attainable, namely when the agents of government, themselves persons of superior virtue & intellect, are surrounded by the healthy atmosphere of a virtuous & enlightened public opinion.

The first element of good government, therefore being the virtue & intelligence of the people, it follows as a direct corollary that the most important point of excellence which any form of government can have, is a tendency to promote virtue & intelligence in the people themselves.

The first question to be asked in respect to political institutions in order to decide on their relative eligibility, is, how far do they tend to cultivate desirable qualities, moral & intellectual. Let us say, moral, intellectual, & active, in the people. The government which does this best, has every chance of being the best in all other respects because it is from those qualities, in so far as they exist in the people, that all possibility of any goodness in the practical operations

of the government must come.

But though the most important requisite of political institutions

this

does not exhaust all their excellence

for good government depends, not solely on the amount of good qualities in the people, but in a considerable degree also on the quality of the arrangements for bringing those qualities in the people

to bear on the acts of government, & making

them duly operative on the result. It is this that constitutes the chief importance of what may be called the machinery of government.

Take again for illustration the administration of justice. The goodness of

this is in the compound ratio of the worth of the men composing the tribunals & the worth &

the public opinion which controls them. But all the difference between a good & a bad system of judicature lies in the contrivances adopted for making whatever worth exists in the community

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operative on the administration of justice. The arrangements, whatever they may

be, for making the choice of the judges such as to obtain the highest average of virtue & intelligence; the salutary forms of procedure: the publicity which ensures observation & criticism of whatever is amiss: the liberty of discussion & censure through the press,

the mode of taking evidence, according as it is well or ill adapted to the

elicity of truth; the facilities, whatever they may be, for obtaining access

to the tribunals: the arrangements for apprehending offenders; all, in short, which may be called the machinery of judicature, aid simply the means taken for obtaining as good an administration of justice as is consistent with the degree of virtue & intelligence existing in the community. Again, a good system of finance & taxation is the means taken for rendering the necessary expenses

of government as little means to the community as is consistent with the degree of intelligence & polity which it is possible to secure in the administrator of the system. A representative constitution is a means by which it is endeavoured to bring the general public opinion of the community, & the individual intelligence & virtue of its wisest members, more directly to bear upon the government & invest them with greater influence in it, than they would have under any other mode of organization all government which aims at being good, is an organization of some part of the good qualities existing in the members of the community, for the conduct of its collective affairs; The greater the amount of those good qualities which it succeeds in organizing, & the better the mode of organization, the better will be the government.

We have now, therefore, obtained two heads between which a rational decision may be made of what the excellence of

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a set of political institutions consists in. It consists, first, of the degree in which it promotes the moral & intellectual advancement

of the community, & secondly, of the degree in which it succeeds in organizing the moral

& intellectual worth at present existing so as to exercise the most beneficial influence in the management of public

affairs. We must not at the same time suppose that these two kinds of effort have no intimate connexion with one another.

They have, on the contrary, the closest. The institutions which secure the

best practicable management of public affairs in the existing state of moral & intellectual

culture, tend by that alone to the further improvement
of that state. A people who had the
most just laws, the purest & most efficient administration
of justice, the most enlightened administration, the fairest
& least onerous system of finance, which are compatible with
its existing state of moral & intellectual advancement, could scarcely
fail

to advance rapidly into a higher stage:

nor is there any mode in which political

institutions can more contribute to the improvement of the people than by doing their own more direct work well; though this is not the only mode in which they may contribute to it. And on the other hand if their machinery is so badly constructed that they do their own particular work ill, the effect is felt in a thousand ways in deteriorating the morality & deadening the intelligence & mental activity of the people.

A form of government, or set of political institutions, is to be considered, then, in two different aspects; of which the first & greatest is that of its operation as an agency of national education; the other (which is also one of the modes of the first) is the efficiency of its arrangements

for conducting the collective affairs of the community in

#### B 003

the state of education in which they already are, of these two parts of its operation, the

last evidently varies much less, from difference of country & of state of civilization, than the first. It has even much less to do with the fundamental constitution of the government. The same mode of conducting the detailed business of government, which is good in an absolute monarchy, will be good in a constitutional government, or a democratic republic.

The laws of property, for example; the principles of evidences & of judicial

procedure; the mode of taxation, & of financial administration, need not necessarily be different in different forms of government. Each of these subjects has principles & rules of its own, which are a subject of separate study. General jurisprudence, civil & penal legislation, political economy, are special sciences, or rather, separate branches of the comprehensive science or art of government; & the most enlightened doctrines on all these subjects might be understood & acted on under any form whatever of government; (though of course, not equally likely to be so) & if understood & acted on, would be equally beneficial under all forms of government. It is true that these doctrines could not be applied

without some modifications to all states of society & of the human

mind; nevertheless, by far the greater part of them would require modifications of detail only, to adapt them to any state of society sufficiently advanced to possess rulers capable of understanding them.

B 004

It is otherwise with that portion of the interests of the community which have reference to the better or worse training of the people themselves. Considered as instrumental to this, institutions require to be radically different, in different states of society, according to the state of advancement which has already been reached. In all states of human improvement except the very highest, the nature & degree of the authority which is exercised over human beings is the most powerful of all influences, except their religious belief, which unite to make them what they are.

The state of different

communities, in point of culture & development, ranges downwards to a condition little above the highest of the beasts; which its upwards finishes

undoubtedly short of the most elevated which is consistent with the nature of man

& the general conditions of human existence. A community can only be developed out of one of these states into a better & higher, by a concourse of influences, one of the principal of which is the government to which it is subject; & the greatest merit which a government can possess, a merit in favour of which it ought to be forgiven for any amount of other demerits, is that its operation on the people is favourable, or not

unfavourable, to the next step which it is necessary for them to take in order to raise themselves to a higher level.

For example, a people in a state of savage independence in which every one lives for himself, exempt, unless by fits, from any external control - such a people is practically incapable of making any progress in civilization until it has first learnt to obey. The one indispensable virtue, therefore, in a government, which establishes itself over a people of this sort, is that it makes itself be obeyed. For this purpose it is necessary that the form of

#### $B_0005$

government be nearly, or quite, despotic. A constitution in any degree popular, one which depends on voluntary obedience, on the surrender by the different members of the community, of their individual freedom of action, would fail to enforce the one lesson which the pupils, in this state of their progress, require. Accordingly the civilization of such tribes

is always the work of an absolute ruler, deriving his power either from religion, from a personal superiority felt as equivalent to superhuman, or from foreign arms.

Again, a people of slaves are in a position one degree in advance of this. They have not this first lesson of political society still to acquire.

They have learnt to obey. But what they obey is only a direct command. They cannot confirm their conduct to a rule or law. They can only do what, & when, they are ordered to do. If a man whom they fear is standing over them & threatening

them with punishment, they obey. But if his back is turned the work remains undone. The motive determining them must be a direct appeal to their instincts: immediate hopes or immediate terror. It is not a despotism which these people want. Their only road to improvement, is by being raised from a government of will to one of law: self-government is what they have to learn; it must not be a government of force, but one of persuasion. But as they are in too low a state to yield to the persuasion of any but those to whom they look up as the possessors of force, the sort of government for them is one which has force but seldom uses it, a sort of

paternal despotism or aristocracy,

something like the St. Simonian form of socialism maintaining a general superintendance [sic] over all the operations of society, so as to keep before each the knowledge of a present force sufficient

to compel his obedience to the rule laid down for him, but owing to the impossibility of descending to regulate all of the minutiae of

#### $B_0006$

industry & life, necessarily leaving & inducing individuals to do much for & by themselves, & since they are incapable of doing anything but obey commands to learn at least to obey general commands instead of requiring particular ones.

This seems the government best calculated to carry such a people through the next necessary step in human progress. Such appears to have been the general idea of the government of the Incas of Peru; & such was that of the Jesuits in Paraguay.

I shall not carry the illustration further. To attempt to point out what government is suited to every known state of society, would be to write a treatise not on representative government, but on political science at large. For our more limited purpose we borrow from political philosophy only its general principles. The general principle which determines the form of government suited to any particular people, is tolerably obvious. It is necessary to understand, among all the defects and shortcomings which belong to that people, what are those that are the immediate barrier to progress; what, in short, it is which stops the way. When we know this, then, the form of government which will most certainly give them that, for want of which they

cannot move forward, is the best government for them: with
the reservation necessary in all things which are done for the
sake of improvement, or Progress; viz. that in giving them the good
which they need, no damage, or as little as possible, be done to
that which they already possess. A people of savages must be taught
to obey, but they should not be taught that lesson in such a manner
as to convert them into a people of slaves. And (to give to this
observation

#### B 007

a still higher degree of generality) the form of government which is most

effectual for carrying a people through the next stage in the road of improvement, will still be very unfit for them if it does this in

such a manner as to obstruct, or positively unfit them for, the step next in order. This evil has often been felt in history. The Egyptian hierarchy, the Chinese despotism, were very fit instruments for carrying those nations up to the point of civilization which they attained. They were stopped at that point for want of mental liberty, & individuality; which requisites of improvement the institutions which had carried them thus far, entirely incapacitated them for acquiring:

& as the institutions did not break down & give place to others, improvement necessarily stopped [In pencil] Jews different

Since then it is impossible to decide on the adaptation of forms of government to states of society without taking into account not only the next step but all the steps which society has yet to make, so far as these are capable of being at present known; the process becomes evidently which might to govern all attempts to judge of the merits of forms of government. It is necessary to construct an ideal of the form of government which is best in itself, that is, which if the necessary conditions existed for carrying out its beneficial tendencies, would favour & promote all forms & degrees of progress. Having determined this, we have next to consider what are the mental & moral conditions necessary to enable this government to realize its tendencies, & what consequently are all the various defects which are liable to render any people incapable of reaping its benefits. We shall then be able to construct a theorem of the cases in which

 $B_008$ 

that government may wisely be introduced, &

also to judge, in cases where it had better not be introduced, what inferior forms of polity are best adapted to carry those communities through the intermediate stages which they must traverse in order to become fit for that form of government.

Of these inquiries the last does not concern us here; but the first forms an essential part of our subject: for we may, without rashness, enunciate above a proposition the proofs & illustrations of which will present themselves abundantly in the ensuing pages, viz. that this ideally best form of government will certainly be found in some one or other variety of the Representative System.

B\_009 to B\_022. [Chapter 3]

 $B_{-}009$ 

# That the ideally best form of government is representative government

It has been long, perhaps throughout the entire duration of British freedom, a common form of speech, that if it were possible to ensure a

good despot, despotic monarchy would be the best form of government. I look

upon this doctrine as implying a radical misconception of what good government is, which cannot be too strenuously contended against.

The idea as the bottom of this notion, must be that absolute power, in the hands of an eminent individual, would ensure a virtuous & intelligent performance of every one of the duties which

devolve on a government. Good laws would be respected & obeyed, bad laws

would be reformed; the best men would be placed in all situations of trust; justice, therefore, would be as well administered, the public burthens would be as light, & as judiciously imposed, every branch of administration would be as purely, & intelligently conducted, as the circumstances of the country, & the point which it had reached in intellectual & moral advancement, would admit.

I am willing for the sake of the argument to concede all this; but I must

at the same time call attention to the vast amount of what I am conceding;

how much more is needed to produce even an approximation to this result,

than is conveyed in the simple expression, a good despot. In fact, what would be needed to realize such a picture is not simply a good monarch, but an all seeing one. He must be able to be correctly informed of the conduct & working of every branch of administration, in every part of country \_\_\_\_\_(4) to its minute details;

he must be capable, in the 24 hours per day which are all that is \_\_\_\_\_\_\_ (5) to a King as to the humblest labourer, of giving a share of attention & superintendance[sic] to every part of this vast field; or he must be capable at

his elevation, of discerning & selecting, among the mass of his subjects, not only

a large abundance of honest & capable men, fit to manage every branch of the public service of a nation under  $B_010$ 

decided

supervision & control, but the small number of men of eminent virtues & talents who can be trusted not only to do without that supervision

but to exercise it themselves over others. So superhuman are the faculties &

energies required for this task that the good despot whom we are supposing can

hardly be imagined as consenting to undertake it, unless as a refuge from intolerable evils, & a transitional preparation for something better. But

my argument can afford to wave even this vast item in the account, & to suppress the difficulty vanquished. What should we then have?

One man of superhuman mental activity managing the entire affairs of a mentally passive people. This is implied in the very idea & absolute power. The people collectively, & every such individual composing it, are without any potential voice in their own destiny. They exercise no will in respect to the collective business of life. All is

for them by a will not their own, & which it is legally a crime for them to

resist or disobey. What sort of human beings can possibly be formed under such

a regimen? What development can either the thinking or the active faculties

attain? On matters of pure theory they might possibly be allowed to speculate.

On practical affairs they could at most only be suffered to suggest; & none

but persons of real or reputed superiority of institution &  $\_$ could flatter themselves that their suggestions would be even known to much less attended to by, those who had the management of affairs.

A person must have a very unusual taste for intellectual exercise in & for itself, who will put himself to the trouble of thought which is to have no

effect on practice, or qualify himself for functions which he has no chance

of even being allowed to exercise. The only sufficient incitement to mental

exertion, in any but a few persons in a generation, is the prospect of

practical use to be made of its results. It does not follow that the nation

must be devised of intellectual power. The ordinary business of life, that

which must be performed by each individual or family for itself, is sufficient to call forth a certain amount of intelligence & practical talent.

#### B\_011

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Then how all the mental power in the country may be organized in some special direction (as that of conquest) by a despot.

[Right side of page. B quire 011 recto.]

But such a people will be entirely devoid of any wide range of ideas. There

may be a select class of savants who cultivate science for its own sake.

#### There

will be a bureaucracy, & a class brought up for the bureaucracy, who will be taught at least some empirical maxims of government & political administration. The remainder of the public will remain without

information & without interest in all the larger affairs of humanity: or if

they have any knowledge of them at all, it will be a merely dilettante knowledge, like that which people have of the mechanical arts who have never handled a tool. From this inherent necessity of despotic government there is no outlet unless in so far as the despotism consents not to be a despotism; in so far as the supposed good & will despot

#### repairs

for the exercise of his power, & though holding it

in reserve, allows the general business of government to go on as if the people

really governed themselves. We may imagine him allowing freedom of the

press & of the public discussion, that a public opinion might form itself freely on national affairs. He might allow local interests to be managed without the control of government, by the people themselves. He might even surround himself by a council or councils of government of the nature of a representative assembly, freely chosen by the whole or some portion of the people; still holding in his own hands the power of taxation, & the supreme legislative

as well as executive power. Were he to do all this & thus far to obedient

as a despot, he would do away, in equal degree, with the characteristic evils of a despotism. Political activity, & capacity for public

affairs, would be no longer prevented from growing up in the body of the people; & a public opinion would form itself, not the mere echo of the government. But with this begin new difficulties. This public opinion, independent of the monarch, dictation must be either with him or against him: if it is not the one, it will be the other.

 $B_012$ 

[Left side of page. B quire 011 verso.]

'\(\lambda\) The despotism being then chiefly nominal, would possess very few of the advantages supposed to belong to absolute monarchy; which it could only

realize in an imperfect degree the benefits of a free government, since however great an amount of liberty the citizens might practically enjoy they would never forget that they held it on sufferance & by a concession which, if the constitution of the state remained inviolate, might any day be resumed.

[Right side of page. B quire 012 recto.]

All governments must displease many persons, & those persons having now

regular organs & permission to express their sentiments opinions adverse to the measures of government will often be expressed.

What is the monarch to do if these unfavourable opinions are in the majority? Is he to alter his course? Is he to defer to the majority? If so

he is no longer a despot, but a constitutional king; a permanent & immovable organ or prime minister of the people. If not he must either put down the opposition by the arm of power, or there will arise a permanent antagonism between a people & one man which can have but one possible ending. It is doubtful if even a religious

principle of passive obedience "right divine" would  $\underline{\phantom{a}}^{(7)}$  against such a position. The monarch would have to succumb, & conform to the conditions of constitutional royalty, or give place to some one who would.  $\lambda$ 

I am far from condemning, in cases of great exigency, the assumptions

of despotic power in the form of a temporary dictatorship. Free nations have often, in times of old, conferred such power by their own choice,

(8) it. The only effectual medicine for

diseases of the body politic which could not be got rid of by less violent means. But its acceptance, even for a time strictly limited much more for an indefinite duration, can only be justified, or ever excused, if, like Solon or Pittacus, the despot employs the whole of the power he assumes in removing the obstacles which exclude the country from the enjoyment of freedom. A good despotism is an altogether false ideal, which practically becomes the most senseless & dangerous of Chimeras. Evil for evil, a good despotism in a country at all advanced in civilization is more mischievous than a bad one, for it is far more relaxing & enervating to the thoughts, feelings, & energies of the people.

It was the despotism of Augustus which prepared the Romans for Tiberius. If the whole tone of their mind & character had not

 $B_{-}013$ 

been prostrated by

that mild slavery, they would have had spirit enough left

九九 (一三六九)

not to endure the more odious one.

We shall find that the ideally best form of government is that in which the sovereignty, or supreme controlling power in the last resort, resides

in the entire aggregate of the community, & in which every individual in it has not only a voice in the exercise of that ultimate sovereignty, but is, at least occasionally, called on to take an actual part in the government, by the personal discharge of some public function or functions.

To test this proposition it must be examined in reference to the two branches into which, as was shown in the last chapter, the inquiring into the goodness of a government conveniently divides itself, viz. how far

it promotes the good management of the affairs of society in the existing

states of the faculties, moral, intellectual & active of its various members

& what is its effect in improving or deteriorating that state.

It will be remembered, that I am not here concerned in showing that a completely popular government is always practicable that which will either secure the greatest amount of benefit consistent with the existing state of the general mind, or will tend most to the improvement of that state. Neither of these propositions would be universally true. What I maintain is, that it is ideally the best that is to say, that in the circumstances suitable to it, (or in other words

when it fulfils the three fundamental conditions) it is attended with greater amount of beneficial consequences of both kinds, it is more favourable to present good government & promotes a better & higher form of character in the community which partakes of it, than any other form of government whatever.

Its superiority in regard to the attainment of the greatest amount of present wellbeing compatible with the existing

 $B_{-}014$ 

[Left side of page. B quire 013 verso. In pencil]

Examine the Bentham doctrine?

[Right side of page. B quire 014 recto.]

mental condition of the community, rests upon two principles, of as universal

truth & applicability as any propositions which can be laid down respecting

human affairs. The first is, that the rights & interests of every or any person

are only secure from being overlooked, when the person interested is himself able, & habitually disposed, to stand up for them. The second is

that the general prosperity attains the greatest height, & is the most widely

diffused, in proportion to the amount & variety of the personal energies which

are enlisted in the promotion of it.  $\underline{B}$ 

Putting these two propositions into a shape more peculiarly appropriate

to our present subject; human beings are only secure

against evil at the hands of others in proportion as they have the power of being, & are, self-protecting; & they only achieve a high amount

of success in their struggle with nature, in proportion as they are self-dependent, & rely on what they themselves can do, not on what others do for them.

From these two principles it arises that all free states, whether great or small, have both been freer from social injustice & crime, & have attained far more brilliant prosperity than any others, or than themselves after they have lost their freedom. All free states, provided they have been able to remain free, have been both better governed & more prosperous than the contemporary subjects of monarchical or oligarchical despotism.

The Greek cities compared with the Persian satrapies, the Italian republic & the free towns of Flanders & Germany compared with the feudal monarchies of Europe, Switzerland, Holland & England compared with Austria or ante-revolutionary France, are cases too evident to require insisting on. The superior prosperity is too obvious

to have ever been denied; the superiority in government

 $B_015$ 

& social condition is sufficiently proved by the prosperity, & is manifest besides in every page of history. If we compare, not one age with another

but the governments which coexisted in the same age, no amount of disorder

& insecurity which exaggeration itself can maintain to have existed in the publicity of the free states of former ages can be compared for a moment with

the odious trampling upon the mass of the people which pervaded the whole life of the monarchical states or with the terrible & disgusting individual tyranny which was of daily occurrence under their fiscal arrangements & in the securing of their frightful courts of justice.

It must be acknowledged that these benefits of freedom, so far as they have been realized, were obtained by the extension of the privileges of freedom to a part only of the community; & that a government

in which they are extended impartially to all, is a desideratum still unrealized. But though every approach to it has an independent value, & in many cases more than an approach could not in the existing state of general improvement, be made, yet the participation

of all in those benefits is the ideally perfect form of free government. In proportion as any are excluded from it, the interests of the excluded are without the degree of protection accorded to the rest & they themselves have less scope for, & less encouragement to that individual caution for the benefit of themselves & of the community to which the general prosperity is always proportioned.

Thus stands the case as it regards present well being: the good management of the affairs of the existing generation. If we next consider the

influence of the government on human character, we shall find the superiority of popular government over every other to be still more decided

& unquestionable.

In considering this question it is necessary to make up our minds

which of two common types of character is that which, for the general

 $B_016$ 

good of humanity, it is most desirable should prevail; the active, or the passive type; that which struggles against evils, or that which endures them;

that which bends to circumstances, or that which endeavours to bend circumstances to itself.

It is evident enough that neither of these types is separately perfect

: that the characters of each require to be more or less modified by those of the

other. There are inevitable evils in every lot; & there are avoidable, & remediable ones. It is a fault to be impatient under the former; & it is a fault, though of another kind, to be patient under the latter.

The commonplaces of moralists & the general sympathies of mankind

are in favour of the passive type.

Energetic characters, may be admired but the acquiescent & submissive are those which

men personally prefer.

The passiveness of our neighbours seems to play into the hands of our own activity. Passive characters are less of an obstruction in our own way. A contented character is not a formidable rival. Yet nothing is more certain than that improvement in human affairs is wholly the work of the non-contented characters; & moreover that it is much easier for the active mind to acquire the virtues of patience, than for the passive one to acquire those of energy

Of the three varieties of mental excellence, intellectual, active, & moral, there never could be any doubt in regard to the two first on which side lay the preponderance[sic]. Intellectual superiority

of all kinds is the fruit of the active exertion. Enterprise, the eager desire to

better our condition, is the sauce of talent, even speculative much more practical. The intellectual culture which goes with the other type, is of that feeble & vague description which alone is called forth in a mind which

& vigorous thinking of that which ascertains truths instead of dreaming dreams but successful application to practice; & where that purpose does not exist to give definiteness & precision to thought, it produces nothing better than the mystical metaphysics of

#### B 017

the Pythagoreans or the Veds[sic]. With respect to practical improvement the case

is still more obvious. The character which improves human life is that which struggles with natural powers & tendencies, not that which gives way

to them. The self-benefitting qualities are all on the side of the active &

energetic character; & the habits & conduct which promote the advantage of each individual member of the community, are those which conduce most in the end to the advancement of the community as a whole.

But on the point of moral preferability, there seems at first sight

to

be room for doubt . A passive character, which yields to obstacles instead of

striving to overcome them, may not indeed be very useful to others, no more

than to itself, but it might be expected to be at least inoffensive. Contentment

is traditionally one of the first of moral virtues. But it is entirely an error to suppose that contentment is the natural attendant on passivity of character: & unless it is, all the moral consequences are mischievous. Where there exists a desire for things not possessed the mind which does not potentially

possess them by means of its own energies, will look with hatred & malice

on those who do. It is the person who is bestirring himself with hopeful prospects to gain riches, who feels good will towards others engaged in or who have succeeded in the same pursuit. And when this is the common case, those who are not equally successful have had the tone given to their feelings by the general habit of the country. If they have not bettered their condition they ascribe it to their not having tried, or if they have tried, think it is their own fault, or their own personal ill lack. But among a people who desire what others possess, yet do not strive for it, if there is not incessant grumbling that

fortune does not do for them what they do not attempt to do for themselves

the soil is at least most productive of envy & malice towards those who have

what they have not. Accordingly this is the common character of society in a passive state of the general energies. Just in proportion as success in life habitually attributed to fatality or accident & not to exertion, in that

#### $B_{-}018$

proportion does the envious character prevail. The most envious of all mankind are the Asiatics. In all Oriental moralists, in all Oriental tales, the envious man occupies a most conspicuous place; he is the terror of all who possess anything desirable, be it palace, a handsome child, or even good health & spirits; the supposed effect of his

mere look constitutes the all pervading superstition of the evil eye. Next to the

Orientals in envious disposition came the Southern Europeans. The Spaniards

pursued all their great men with it, embittered their lives, & generally succeeded in putting an early stop to their successes. In the French, who

are essentially a southern people, the double education of despotism & Catholicism has, in spite of their impulsive temperament made submission, & endurance at once the characteristic of the people & their most received notion of wisdom & excellence; meanwhile

envy of one another, & of all superiority, though not reaching the height of

Orientals or Spaniards, is a pervading feeling to a degree which the self helping

& struggling Anglo-Saxons have no experience of. There are, undoubtedly in

all countries, contented characters, who not merely do not seek,

but do not desire, what they do not already possess, & these naturally do not feel ill will towards those who have an apparently more favoured lot. But

the great mass of apparent contentment is real discontent, combined with

indolence, & while it takes no legitimate means of raising itself, delights in bringing others down to its own level. And if we look narrowly

even at the cases of innocent contentment, we shall perceive that they only excite our admiration, when the indifference is solely to improvement

in external circumstances, & is combined with a striving for perpetual advancement in spiritual worth, or with a disinterested zeal to benefit others.

The contented man, or the contented family, who have no ambition to make any one else happier, or to improve themselves in moral excellence

excites in us no admiration. We rightly consider this sort of contentment as mere unmanliness & want of spirit. The content which we admire is either the ability to do cheerfully without what cannot be had, or the just appreciation of the comparative value of different

 $B_{019}$ 

[Left side of page. B quire 018 verso.]

(a) Nothing can be more remarkable to those who live in France, after having

lived in England, than the passive endurance of the French under avoidable only.

If an English railway train stops, or lingers on the road, scores of the passengers require

to know the reason why; & if the reason is not satisfactory, the next day some

one or more of them unto to the Times.

The French, though a naturally more impatient people, never seem to concern themselves about the matter. And this difference runs through

most of the concerns of life.

[Right side of page. B quire 019 recto.]

objects of desire, & the willingness to dispense with the less in order to pursue

the greater. Now there are excellencies most natural to the character in proportion

as it is actively engaged in endeavouring to improve its lot. He who is constantly

measuring his activity against difficulties, learns what are the difficulties

insuperable to him, & what those, the overcoming of which is not worth the

effort. He whose thoughts & activities are all needed for, & habitually employed in, practicable & useful enterprises, is the person of all

others least likely to let his mind dwell with habitual discontent upon things not worth obtaining, or not worth his attaining. Thus the active self helping character is not only the best in itself, but it is the surest mode of requiring all that is really desirable or excellent in the opposite

八九 (一三五九)

type.

The striving, go-ahead character of England & the United States is only a

subject of disapproving criticism on account of the very secondary objects on which it commonly expends its energies. In itself it is the foundation of all hope for the general improvement

of mankind. It has been remarked that whenever anything goes amiss, the impulse of French people is to say, Il faut de la patience; & of English people. What a shame. The people who think it a shame when anything goes wrong - who rush to the conclusion that the evil could

have been & ought to have been prevented, are those who in the long run

do most to make the world better (a). If the desires are low placed, if they

extend to little beyond physical comfort, & the show of riches, the results

of the energy will be little more than the continual extension of man's power over nature; but this in itself is making room & preparing the mechanical appliances for the highest intellectual & social achievements & while the energy is there, it is sure to be applied by some, & there are always

hopes that it may be applied largely & effectively, to the perfecting not merely of man's outward conveniences but of his inward nature.

Inactivity, unaspiringness, absence of desire, is a far more fatal hindrance to human improvement than any misdirection of  $B_020$ 

the activities; & it is that which keeps back, in a savage or semi savage state, all that vast majority of the human race who have not yet emerged

from such a condition.

Now there can be no doubt whatever that the passive type of character

is the one principally favoured by the government of one or of a few & the active self helping type by that of the Many. Submissiveness to the prescriptions of men as if they were necessities of nature, is the lesson

practically inculcated by all governments upon those who are wholly without

participation in them. The law, or the will of superiors must be passively yielded to. It is otherwise when a human being feels under no insuperable external restraint but that of the necessities of nature, or mandates of society which he has his share in imposing & which it is open to him, if he thinks them wrong to make a public manifestation of his dissent from, & exert himself actively to get altered. No doubt, under a government partially popular, this freedom may be exercised even by those who are not partakers, in the full

privileges of citizenship. But it is a great additional stimulus to any one feelings

of self help & self reliance when he starts from an even ground & has not to feel that his success depends upon the impression he can make upon the sentiments & dispositions of a body of whom he is not one. The maximum of the invigorating effect of freedom upon the character is only obtained when the person acted on either is or has it

in his

power to become, a citizen as fully privileged as any other. But what is still more important than this matter of feeling, is the practical discipline which the whole character obtains from the occasional demand

made upon the citizens to exercise for a time & in their turn some public function. Notwithstanding the great defects of the social system &

moral ideas of antiquity, the practice of the dicastery & the ecclesia raised the intellectual standard of an average Athenian citizen for beyond anything yet experienced in any mass of men ancient or modern. Among innumerable proofs, manifest in every

### $B_021$

page of our great historian of Greece, it is sufficient to observe the high quality of

the addresses which their great orators deemed best calculated to influence

their understanding & their will. The same benefit, though is a much less

degree, is produced on English citizens of the lower middle class by the liability to serve on juries & to serve parish offices; which though it does

not occur to so many nor is so continuous as to approach to the public education which every citizen of Athens obtained from his democratic institutions, must have a sensible effect in developing the intelligence & extending the range of ideas. More than all, the participation of the private citizen, if even rarely, in public functions, is one of the most salutary kinds of moral institution.

Where it does not exist, there is no feeling whatever that a private family

in no eminent social situation, over any duties to society, except to obey the laws, & submit to the government. There is no unselfish sentiment of identification with the public. All the thoughts, all the feelings

of interest & of duty are absorbed in the individual & in the family. There is not a thought of any collective interest, of any objects to be pursued jointly with, but only at the expense of, & in competition with others. A neighbour is not an ally, or an associate, however he is never engaged in any common undertaking for the good of both; he

is therefore only a rival. Thus private morality suffers while public is actually extinct. Were this the only possible state of things, the utmost aspirations of the lawgiver or the moralist could only reach to rendering the bulk of the community harmless; making then a flock of sheep, innocently nibbling the grass side by side, & not wolves merging upon one another.

From these accumulated considerations it is evident that the only government which can fully satisfy all the exigencies of the social state, is government in which the whole people participate; & since they cannot in any community exceeding a single small town, participate

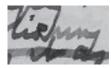
## $B_022$

personally in any but some very minor portions of the public business, it

follows that the ideal type of good government must be representative.

# 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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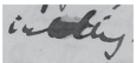
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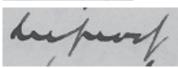
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(7)



be proof[?]

(8)

