資 料

ジョン・ステュアート・ミル 『代議制統治論』 自筆草稿

---第6章と第7章(翻刻)---

川 又 祐 吉 野 篤 荒 井 祐 介 トーマス・ロックリー

日本大学図書館法学部分館(法学部図書館)は、ジョン・ステュアート・ミル(John Stuart Mill. 1806-1873)の『代議制統治論』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6章と第7章である。なお、第7章の題名は、「真の民主政と偽の民主政について。全員の代表、そして多数者だけの代表」であるが、出版に際して、その英語章題は、"Of True and False Democracy; the representation of all, and the representation of the majority only"から"Of True and False Democracy; representation of all, and representation of the majority only"へと変更されている。

翻刻に際して、翻刻文に下線が引かれているものは、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。

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).

私たちのこれまでの翻刻結果、および草稿と原典との対照は、以下の表のと おりである。

表 1 掲載誌/Journals

Preface [Ch.1] To what extent forms of government are a matter of choice	「ジョン・ステュアート・ミル『代議政治論』自筆草稿――――――――――――――――――――――――――――――――――――
[Ch. 2] The Criterion of a good Form of Government [Ch. 3] That the ideally best form of government is representative 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. SEIKEI KENKYU. Vol. 56(4). 2020. https://www.publication.law.nihon-u.ac.jp/political/political_56_4. html
[Ch. 4] To what society representative government is inapplicable [Ch. 5] What are the proper functions of representative bodies	「ジョン・ステュアート・ミル『代議制統治論』自筆草稿 第4章と第5章 (翻刻) ——」『政経研究』57巻1号、2020年 John Stuart Mill's Autographed Draft Manuscript "Considerations on Representative Government." A Transcription of Chapter 4 and 5. SEIKEI KENKYU. Vol. 57(1). 2020. https://www.publication.law.nihon-u.ac.jp/political/political_57_1.html
[Ch. 16] Of Nationality, as connected with Representative Government [Ch. 17] Of the government of dependencies by a free state [Ch. 18] Of Federal	「ジョン・ステュアート・ミル『代議政治論』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. HOGAKU KIYO. Vol. 61. 2020. https://www.publication.law.nihon-u.ac.jp/bulletin/bulletin_61.html
Representative Governments	> 白筮苔箱(日本上受法受郊図書館託芸)について「『砂奴珥索』

川又祐「J.S. ミル『代議政治論』自筆草稿(日本大学法学部図書館所蔵)について」『政経研究』 52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.publication.law.nihon-u.ac.jp/political/political_52_2.html

政経研究

第五十七巻第二号 (二〇二〇年十月)

表 2 ミル『代議制統治論』対照表 / A comparison between the manuscript and the first edition of *Considerations*

帖・紙葉	自筆草稿章題	原典初版章題
A_002-013	To what extent forms of government are a matter of choice.	Ch.1. TO WHAT EXTENT FORMS OF GOVERNMENT ARE A MATTER OF CHOICE.
A_014-024~ B_001-008	The Criterion of good Form of Government	Ch.2. THE CRITERION OF GOOD FORM OF GOVERNMENT.
B_009-022	That the ideally best form of government is representative government	Ch.3. THAT THE IDEALLY BEST FORM OF GOVERNMENT IS REPRESENTATIVE GOVERNMENT.
B_023-024~ C_001-009	To what societies representative government is inapplicable	Ch.4. UNDER WHAT SOCIAL CONDITIONS REPRESENTATIVE GOVERNMENT IS INAPPLICABLE.
C_010-020~ D_001-002	What are the proper functions of representative bodies	Ch.5. OF THE PROPER FUNCTIONS OF REPRESENTATIVE BODIES.
D_003-018	Of the infirmities & dangers to which representative government is liable.	Ch.6. OF THE INFIRMITIES AND DANGERS TO WHICH REPRESENTATIVE GOVERNMENT IS LIABLE.
D_019-020~ E_001-013	Of True & False Democracy; the representation of all, & the representation of the majority only.	Ch.7. OF TRUE AND FALSE DEMOCRACY; REPRESENTATION OF ALL, AND REPRESENTATION OF THE MAJORITY ONLY.
E_014-020~ F_001-011	Of the extension of the suffrage.	Ch.8. OF THE EXTENSION OF THE SUFFRAGE.
F_012-020~ G_001	Of the mode of voting.	Ch.10. OF THE MODE OF VOTING.
G_002-004	Of the duration of Parliaments	Ch.11. OF THE DURATION OF PARLIAMENTS.
G_005-011	Ought there to be two or only one House of Parliament in a representative constitution?	Ch.13. OF A SECOND CHAMBER.
G_012-020~ H_001-003	Of local representative bodies.	Ch.15. OF LOCAL REPRESENTATIVE BODIES.
H_004-017	Of the Executive in a representative government	Ch.14. OF THE EXECUTIVE IN A REPRESENTATIVE GOVERNMENT.
H_018-020~ I_001-006	Of Nationality, as connected with Representative Government	Ch.16. OF NATIONALITY, AS CONNECTED WITH REPRESENTATIVE GOVERNMENT.
I_007-017	Of Federal Representative Governments.	Ch.17. OF FEDERAL REPRESENTATIVE GOVERNMENTS.

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I_018-020~ J_001-012	Of the government of dependencies by a free state.	Ch.18. OF THE GOVERNMENT OF DEPENDENCIES BY A FREE STATE.
J_013-019	Should there be two stages of election?	Ch.9. SHOULD THERE BE TWO STAGES OF ELECTION?
J_020~ K_001-012	Ought pledges to be required from members of parliament?	Ch.12. OUGHT PLEDGES TO BE REQUIRED FROM MEMBERS OF PARLIAMENT?
K_014	Preface.	PREFACE.

John Stuart Mill's Autographed Draft A Transcription of Chapter 6 and 7.

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, 4 authors transcribe the chapter 6 and 7 from it.

Manuscript "Considerations on

Representative Government."

When Mill published the book, the title of chapter 7 was changed "Of True and False Democracy; the representation of all, and the representation of the majority only" to "Of True and False Democracy; representation of all, and representation of the majority only."

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.

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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).

D_003 to D_018. [Chapter 6]

D 003

Of the Infirmities & dangers to which representative government is liable.

The defects of any form of government are either negative or positive. It is negatively defective if it does not concentrate in the hands of the authorities, power sufficient to fulfil [sic] the necessary offices of a government;

or if it does not sufficiently develop by exercise the active capacities of the individual citizens. On neither of these points is it necessary that much should be said here.

The want of an amount of power in the government sufficient to preserve order &

allow of progress in the people, is incident rather to a wild & rude state of society generally than to any particular form of political union.

When the people are too much attached to savage independence to be tolerant of the amount of power to which it is desirable that they should be subjected, the state of society (as already observed) is not yet ripe for representative government. When the time for that government has arrived, sufficient power for all useful purposes is sure to reside in the sovereign assembly, & if enough of it is not trusted to

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the executive, it can only arise from a jealous feeling on the part of the Assembly towards the Administration, only likely to exist where the constitutional power of the Assembly to turn them out of office has not yet sufficiently established itself. Where that constitutional right is admitted in principle & fully operative in practice, there is no fear that the Assembly will not be perfectly willing to trust its own ministers with any amount of power really needful; the danger is, on the contrary, but they should grant it too ungrudgingly, & too indefinite in extent; since the power of the minister is the power of the body who made him & who keep him minister. It is indeed very likely, & it is one of the dangers

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of a controlling assembly, that they might be lavish of powers but afterwards interfere with their exercise; might give power by wholesale & attempt to take it back in detail, by multiplied single acts of interference in the details of administration. The evils arising from this assumption of the actual function of governing, in lieu of the office of criticizing & checking the conduct of the government, have been sufficiently brought to notice in the preceding chapter.

The <u>positive</u> evils & dangers of the representative as of every other form of government may be arranged under two heads: first; general ignorance & incapacity, or let us say deficiency of the requisite mental qualifications, in the controlling body; secondly, the danger of its being under the influence of interests, not identical with the general interests of the community.

The first of these evils, deficiency in

high mental qualifications, is one to which it appears prima facie that representative government is liable in a greater degree than any other. This proposition, however, is not by any means so true as it at first sight appears.

Compared with simple monarchy, representative government is in this respect at no disadvantage.

Except in a rude age, hereditary monarchy, when it is really such, & not aristocracy in disguise, much surpasses democracy in all the forms of incapacity supposed to be characteristic of it. I say except in a rude age, because in a really rude age there is a considerable guarantee for the intellectual & active capacities of the sovereign. His personal will is constantly encountering obstacles from the self will of his subjects, & of powerful individuals among them. The circumstances of society do not afford him much temptation to more

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[Left side of page. D quire 004 verso. In pencil.]

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luxurious self indulgence: mental and bodily activity, especially political & military, are his principal excitements; & among turbulent chiefs & lawless followers he can have little power, & is seldom even secure of his throne, unless he possesses a considerable amount of personal talent & energy. The reason why the average of talent is so high among the Henries & Edwards of our history, may be seen in the tragical fate of the second Edward & the second Richard, & the civil wars & disturbances of the reigns of John & his incapable successor.

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period of the Reformation also produced a few eminent hereditary monarchs, but they were always those who had to contend with great difficulties especially in their commencement: Elizabeth, Henri Quatre, Gustavus Adolphus. Since European life assumed its settled aspect, anything above mediocrity in a hereditary King has become extremely rare, while the general average has been even below mediocrity, both in talent & in vigour of character. A monarchy constitutionally absolute now only maintains itself, (save temporarily in the hands of some active minded usurper) by the mental qualifications of a permanent bureaucracy; by being, like the Russian & Austrian & to a great degree the French Government, an oligarchy of officials of whom the king or emperor does little more than select the chiefs.

The governments which have been remarkable in history for sustained mental ability & vigour in the conduct of affairs, have generally been aristocracies. But they have been, without exception, aristocracies of public functionaries. The governing bodies have been so narrow, that each member, or at all events each influential member of the body made public business [is] an active profession, & the principal occupation of his life. The only aristocracies which have manifested high governing capacities, & acted on steady maxims of government

D 006

through many generations, have been those of Rome & of Venice. But at Venice,

though the privileged order was numerous, the actual conduct of affairs was rigidly concentrated in a small oligarchy within the oligarchy whose whole lives were devoted to the study & conduct of the affairs of the state. The Roman government partook more of the nature of an

discharge of

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open aristocracy like the English. But the really governing body, the Senate, was exclusively

composed of persons who had exercised public functions, & all of whom had either already filled the highest offices of the state or were looking forward

to fill them, at the peril of a severe responsibility in case of _______(1) incapacity. When once members of the senate, their lives were pledged to the conduct of public affairs, they were not permitted even to leave Stats [sic. States] except in the

some public trust: & unless turned out of the Senate by the Censors for conduct or character which were regarded as disgraceful; they

retained their powers & responsibilities for life.

Every member of an aristocracy thus constituted felt his personal dignity & self-estimation entirely bound up with the dignity & estimation of the commonwealth which he administered, & with the part he was able to play in its counsels. This dignity & estimation were quite different things from the prosperity & happiness of the general body of the nation, & were often totally incompatible with it. But they were closely linked with the external success & aggrandizement of the state; & it was, consequently, in the pursuit of that object exclusively that either the Roman or the Venetionse aristocracies

manifested the systematically wise collective policy, & the great individual capacities for government, for which history has deservedly given them credit.

It thus appears that the only governments, not representative in which high political skill & ability have been otherwise than exceptional, whether under monarchical or aristocratic $D_{-}007$

forms, have been essentially bureaucracies. Aristocracy such as that of England, in which the real power in the government has been exercised by persons other than those specially trained to it & devoting themselves exclusively to it, (& has therefore been exerted through representative institutions oligarchically constituted) have been, in respect to intellectual qualifications, much on a par with democracies, that is, they have manifested such qualities in any considerable degree only during

the temporary ascendancy which great abilities & popular talents united with a distinguished position, have given to some one man.

Themistocles & Pericles, Washington & Jefferson, were not more completely exceptions,

Pericles, Washington & Jefferson, were not more completely exceptions while they

were much more brilliant exceptions, in their several democracies, than the Chathams & Peels of the representative aristocracy of Great Britain, or even the Sullys & Colberts of the aristocratic monarchy of France.

A great minister, in the aristocratic governments of modern Europe, is nearly as rare a phenomenon as a great King.

The comparison, therefore, as to the intellectual attributes of a government, is to be made between a representative democracy & a bureaucracy. And here it must be acknowledged that a bureaucratic government has in some important respects, greatly the advantage. It accumulates

experience, acquires well tried & well considered traditional maxims, & secures appropriate practical knowledge in those who have the actual conduct of affairs. But it is not equally favorable to individual energy of mind. The disease which afflicts bureaucratic

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governments & which they usually die of, is routine. They perish by the immutability of their maxims; or, still more, by the universal law that whatever becomes a routine loses its vital principle, & ceases to be adequate to its purpose even without supposing any necessity to

(2) from altered maxims.

A bureaucracy always tends to become a pedantocracy.

D 008

Where the bureaucracy is the real government, the spirit of the corps always (as in the Jesuits) bears down the individuality of its more distinguished members. It requires a popular government to give to the conceptions of the men of original genius among them, predominance over the obstructive spirit of the mass of cultivated mediocrity. Only in a popular government (apart from the accident of a highly intelligent despot) could Rowland Hill have been victorious over the Post Office. A popular government installed Rowland Hill in the Post Office, & made the body obey the impulse given by the one man who united special knowledge with individual vigour & originality.

That the Roman aristocracy escaped this characteristic disease of bureaucracies, was evidently owing to its popular element. All special offices, as well those which gave a seat in the senate, as those which were sought for by Senators, were conferred by popular election. The Russian bureaucracy is a striking exemplification both of the good & bad side of bureaucracy: its fixed maxims, directed with Roman perseverance to the same unflinchingly pursued object from age to age; the remarkable skill with which those objects are generally pursued; the terrible internal corruption & the permanent, organized, hostility to all improvements coming from without, which even the autocratic power of vigorous - minded

European is seldom or never sufficient to overcome. The Chinese Mandarins are a striking example of the same qualities, & defects.

While there cannot be an instant, hesitation between representative government, among a people in any degree ripe for it, & the most perfect imaginable bureaucracy, it is, at the same time, one of the most important ends of political institutions, to attain as many of the advantages of the one as are consistent with the other: to secure

as far as they can be rendered compatible, the advantages of the conduct of affairs by skilled persons, trained to it as an intellectual profession, along with that of a general control vested in

bodies representative of the entire people. Much would be done

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[sic. superintendence]

towards this end by recognizing the line of separation, discussed in the last chapter, between the work of government properly so called, which is necessarily the business of a skilled profession, & that of selecting, watching, & when needful controlling the governors, which in this as in all other cases properly devolves not on those who do the work but on those for whose benefit it professes to be done.

No progress at all can be made towards obtaining a skilled democracy, until the democracy consents to devolve the work which requires skill upon those who possess it.

A democracy has enough to do in providing itself with an amount of mental competency sufficient for its own proper work, that of superintendance

& check. If it attempts more than this, it will surely fail. How to obtain & secure this amount, is one of the questions to be taken into consideration in judging of the proper composition of a representative body.

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In proportion

as its composition fails to secure this amount, the assembly will encroach, by special acts, on the proper province of the executive; it will turn out a good, or select & support a bad executive, it will connive at, or tolerate, in them, abuses of trust, it will be imposed on by their false

pretences or it will withhold the necessary support from those who endeavour to discharge

their trust conscientiously: it will countenance & support a selfish, a capricious & impulsive a shortsighted, ignorant,

& prejudiced general policy; foreign & domestic, it will make mischievous laws, or abolish

good ones, it will let in new evils, or adhere, with a perverse obstinacy to old; & it will even, perhaps, under momentary or permanent misleading impulses of itself or of its constituents, tolerate or connive at proceedings which set law aside altogether in cases where equal justice would not be

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agreeable to popular feeling. Such are among the dangers of representative government, arising from such a constitution of the representation as does not secure an adequate amount of intelligence & knowledge in the representative body.

We next come to the evils arising from the prevalence of modes of action in the representative body dictated by sinister interests (to adopt the useful phrase introduced by Bentham) that is, by interests more or less conflicting with the general good of the community.

It is generally admitted, that of the evils of monarchical

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& aristocratic governments, a very large proportion arises from this source. The interest of the monarch, or the interest of the aristocracy, either collective or that of its individual members, is continually promoted, or supposed to be promoted, by conduct opposed to that which the general interest of the community requires. The interest of the government is in heavy taxation; that of the community is to be a little taxed, as the necessary expenses of good government admit of.

The interest of the

kingly or of the aristocratic government is to possess, & exercise excessive power over the people; to enforce conformity on their part to its will & preferences. The interest of the people is to have as little control exercised over them in any respect, as is compatible with the attainment of the ends of good government. The interest or apparent & supposed interest of the king or aristocracy is not to permit censure of themselves, at least in any form which they may consider either to threaten their power, or seriously to interfere with their free agency. The interest of the people is that there should be the fullest liberty of censure on every public officer, & every act of a public officer. The interest of the

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ruling class, whether in an aristocracy or in an aristocratic monarchy is to take to themselves an endless variety of unjust privileges, either beneficial to their pockets at the expense of the people, or merely tending to exalt them above the rest, that is to degrade all others below themselves. If the people are disaffected, as they are very likely to be, the interest of the king or aristocracy lies in keeping them down in intelligence & education, in fomenting dissensions

among them, & even in preventing them from being too well off, conformably to the maxim of Cardinal Richelieu in his celebrated Testament Politique. The interest of the people is the direct contrary of all this.

These things are superabundantly evident in the case of a monarchy or an aristocracy: but it is apt to be somewhat gratuitously assumed that the same kind of mischievous influence does not operate in the case of a democracy. Looking at democracy in its ordinary form & conception, as the rule of the numerical majority, it is surely possible that the ruling power may be under the influence of sectional or class interests, pointing to conduct very different from that which would be dictated by impartial regard for the interest of all. Suppose that the majority are whites, & the minority negroes, or vice versa: is it likely that the majority will allow equal justice to the minority? Suppose the majority to be Catholics, the minority Protestants, or vice versa: will there not be the same danger? Suppose the majority English, the minority Irish or the reverse: are there many chances of the same evil? In all countries there is a majority of poor, a minority who in contradistinction, may be called rich: we will suppose the majority sufficiently intelligent to be aware that it is not their interest to weaken the security of property: but is there not a considerable danger that they will throw on the possessors

D_012

of what is called realized property, & on the larger incomes, an unfair share, & even the whole, of the burthen of taxation, & having done so, add to the amount without scruple, laying out the proceeds in modes supposed

to conduce to the profit & advantage of the labouring class? Suppose

now a minority of skilled labourers, a majority of unskilled, do not the rules of many Trade Unions sufficiently exemplify the danger that equality of earnings would be imposed as an obligation & that piece work & all practices which enable superior industry or abilities to attain a superior reward, would be put down?

Legislative attempts to raise wages, limitation of competition in the labour market, taxes or restrictions on machinery or other improvement tending to dispense with any of the existing labour, even protection of the home producer against foreign industry, are very natural (I do not venture to say whether probable) results of a feeling of class interest in a ruling majority of manual labourers.

It is said in reply to this, that none of these things are for the <u>real</u> interest of the most numerous class: to which I answer that if the conduct of human beings was influenced by no other interested considerations than those which constitute their "real" interest, neither absolute monarchy nor aristocracy would

be such bad governments as they are; for assuredly, very strong reasons may be & often have been assigned to show that either a king or a governing senate are in their much most enviable position when ruling justly & vigilantly over an active, wealthy, enlightened & highminded people. But it is quite conclusive against any theory of government that it supposes the numerical majority to do habitually what is never done, nor supposed to be done save in very exceptional cases, by any other depositaries of power namely to direct their conduct by their real ultimate interest

in opposition to their immediate & apparent interest. No one surely can doubt that all the things above enumerated, & may others as bad, would be for the <u>immediate</u> interest of the general body of unskilled labourers.

It is very probable that they would be for the interest of the whole present generation of those labourers. The relaxation of mental activity, & diminished encouragement to saving, which would be the ultimate result, would probably be little felt in the class of unskilled labourers in the space of a single generation. Some of the most fatal changes in human affairs have been, in their more manifest immediate effects, beneficial. There can be little doubt that the establishment of the despotism of the Cæsars was a great benefit to the entire generation in which it took place. It put a stop to civil war, to a vast amount of malversation & tyranny by prætors & proconsuls; it fostered a large amount of the graces of life, & of intellectual cultivation in all departments not political. The accumulated riches & the mental energy & activity produced by centuries of freedom, remained for the benefit of the first generation of slaves. Yet this was the beginning of a régime by whose gradual operation all the civilization which had been gained progressively did away, & the Empire which had conquered & embraced the world in its grasp lost so completely even its military efficiency that invaders whom three or four legions had always been sufficient to coerce, were able to overrun & occupy nearly the whole of its extent.

Looking below the surface of the matter, when we talk of the interest of any body of men, or of any individual man, the question of least importance is, what would be considered his interest in the eyes of an unprejudiced observer. As Coleridge remakes,

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the man makes the motive, not the motive the man. If you would know

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Note the illustration in Richardson's Clarissa; also the different feelings the same man has about needless expenses in his business & in his domestic establishment.

[In ink]

with other people, & his immediate & direct interests to those which are indirect & remote, is the mental characteristic which is most especially called forth & fostered by the possession of power. The moment either a man, or a class of men, find themselves with power in their hands, that moment the man, individual interest, or the class's separate interest, assumes extravagant importance in their eyes. That is the meaning of the universal tradition, grounded on universal experiences, of man; being corrupted by power. Everybody knows how absurd it would be to judge from what a man is or does when in a private station, that he will be or do just the same when you make him a despot on a throne, where the bad parts of his human nature instead of being restrained & kept in subordination by every circumstance of this life & by way person surrounding him, are courted & ministered to by those circumstances & persons. It would be quite as absurd to entertain or similar expectation in regard to any class of men, the Demos, or any other.

i Now this disposition to prefer his selfish interests to those which he shares

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what is practically a man's interest, you must know what is the cast of his habitual thoughts & feelings. Every one has both selfish & unselfish interests: & a selfish man is precisely he who is habitually prefers the former to the latter. Every one has both present & distant interests: & the improvident man is he who habitually chooses the former & disregards the latter. It matters little that on any correct calculation the latter may be the more considerable, if the habits of a man's mind lead him to fix his thoughts & wishes only on the former. i [It Par. [Parenthesis?]] would be in vain to attempt to persuade a man who

beats his wife & ill treats his children that he would be happier if he lived in a state of love & kindness with them.

He would be happier if he were the

kind of person who <u>could</u> live in love & kindness with them, but he is not, & it is probably too late for him to become,

that kind of person. Being what he is, the gratification of his love of domination & the indulgence of his ferocious temper are to his perceptions a greater good, selfishly speaking, than he would be capable of deriving from the pleasure & affection of those dependent on him. He has no pleasure in their pleasure, & does not care for their affection. His neighbour, who does, is in all probability a happier man than he; but if he could even be persuaded of this the persuasion would probably still further exasperate his malignity or his irritability. On the average, a person

who cares for other people, for his country, or

for mankind, is a happier man than one who does not; but of what use is it to preach this doctrine to a man

who cares for nothing but his own ease, or his pocket? He

<u>cannot</u> care for other people if he would. It is like preaching to the worm who crawls on the ground, how much better for him it would be

D_015

if he could fly like the eagle. In any state of general cultivation which mankind, in any class, have yet attained, or are likely soon to attain (& all governments must be made for human beings as they either are, or are capable of rapidly becoming) the interests by which they will be led, when they are thinking of their self interest alone, are almost exclusively those which are obvious at first sight, & which operate upon their present condition. It is only a disinterested regard for others, & especially for what comes after them, for the idea of their country, or of mankind, whether grounded on sympathy or on conscientious sense of duty, which ever directs the minds or purposes of bodies or classes of men towards distant or unobvious interests. And nobody pretends that any form of government would be rational which required as a condition that these exalted principles of action should be the guiding & master motives in the conduct of average human beings. A certain amount of conscience; & of disinterested public spirit, may be reasonably calculated on in the citizens of any community ripe for representative government. But it would be ridiculous to expect such a degree of it as would be proof against any plausible fallacy tending to make that which was for their class interest appear to be just, & generally beneficial. Everybody knows how very plausible the fallacies are which recommended every act of injustice ever yet contemplated for the benefit of the general mass. We know how many, not fools, nor bad men, have

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thought it justifiable to repudiate the national debt. We know how many, not without ability, & still less without popular influence, think it fair to throw the whole burthen of taxation upon savings, under the name of realized property, allowing those whose progenitors & themselves have always spent their

$D_{-}016$

whole income to remain, as a reward for such exemplary conduct, wholly untaxed. We know what plausible arguments, the more plausible on account of the foundation of truth there is in these may be brought against inheritance, against the power of bequest, in favour of everything of a levelling tendency. We know how easily the uselessness of almost every branch of knowledge may be proved to the complete satisfaction of those who do not possess it. How many, not stupid men, think the scientific study of languages useless, think ancient literature useless, all erudition useless, logic, & metaphysics,

useless, poetry & the fine arts idle & frivolous, political economy purely mischievous? Even

history has been pronounced useless by able men; nothing but that acquaintance with external nature empirically acquired, which serves directly to the production of objects necessary to existence or agreeable to the senses, would get its utility believed in if people had the least encouragement to disbelieve it. Is it reasonable to expect that even cultivated, much

more uncultivated men, will have so delicate a conscience. & so strong a discernment of what makes against their own apparent interest, that they will reject these & the innumerable other fallacies which will press in upon them from all quarters, to induce

them to follow their own selfish inclinations & shortsighted notions of their own good, contrary to the dictates of justice & to the detriment of all other classes & of their own posterity?

One of the greatest dangers then of democracy as of all other governments, lies in the sinister interest of the holders of power: it is the danger of class legislation, of government intended for (whether really attaining it or not) the immediate benefit of the dominant class, to the detriment of the permanent

D_017

[Left side of page. D quire 016 verso.]

i with the class of labourers, on the other hand, may be ranked those classes of smaller employers of labour who by interests, habits, & educational impressions are assimilated in wishes, tastes & objects to labourers, such as a great proportion of petty tradesmen.

[Right side of page. D quire 017 recto.]
good of the whole. And one of the main considerations in
determining the best constitution of a representative government
is, how to provide the most efficacious security against this evil
if we consider as a class, politically speaking, any
numbers of persons who have the same sinister interest, that
is, whose direct & apparent interest points towards the
same description of bad measures, the desirable object to the attained
is that no class, & no combination of classes who are ever likely
to coalesce, shall be able to exercise or preponderant influences
in the government. A modern community may be considered as in the

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main divided into two sections, which in spite of partial variations, correspond to two divergent directions of apparent interest; let us say (in brief general terms) labourers on the one hand, employers of labour on the other; ranking however on the same side with employers of labour, not only retired capitalists, & the possessors of inherited wealth, but all that more highly paid description of labourers (such as the professions) whose education & modes of life assimilate them with the rich, & whose prospect & whose ambition, is to place themselves in that class. i In this state of society if a representative system could be made ideally perfect, & if it were possible to maintain it in that state, it must be so organized that these two classes, the manual labourers & their affinities on the one hand, the employers of labour & their affinities on the others should be, in the arrangements of the representative system, about equally balanced,

in the arrangements of the representative system, about equally balanced, each influencing about an equal number of votes in Parliament; since if we suppose that the majority of each class would be mainly

 $D_{-}018$

governed when any differences ______(3), by their own class interests, there would be a minority of each in whom that consideration would be subordinate to reason, justice, & the good of the whole

& this minority of either would join with the whole of the other in turning the scale against any demands of the sectional majority which were such as ought not to prevail. The reason why justice and the general interest usually in the end carry their point

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is that the separate & selfish interests of mankind are usually divided; same are interested in what is wrong, but some also have their private interest on the side of what is right; & those who are governed by justice & the general interest, though far too few & too weak to prevail alone, usually after sufficient discussion & agitation become strong enough to turn the scale in favour of the body of private interests which is in accordance with them. The representative system ought to be so constituted as to maintain this state of things: it ought not allow any of the varieties of sectional interest to be so powerful as to be sure of victory against truth & justice & all the other sectional interests combined: there ought always to be such a balance maintained among personal interests as shall render any one of them dependent for success on carrying with it at least a large portion of those who act upon higher motives & more comprehensive & distant views.

D_019 to E_013. [Chapter 7]

D_019

Of True & False Democracy; the representation of all, & the representation of the majority only.

It has been seen, that the dangers incident to a representative democracy are of two kinds; dangers of a low standard of intelligence in the representative body, & in the popular opinion which controls it; & danger of class legislation on the part of the numerical majority, these being all composed of the same class. We have now to consider how far it is possible so to organize the democracy, or so to

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limit the democratic character of the representation, as without interfering materially with the benefits of democracy, to do away with these two great evils, or to abated [sic. abate] them in the greatest degree attainable by human institutions. But there is a preliminary discussion of the greatest importance which takes precedence over this consideration. Two very different ideas are usually confounded under the name democracy. The pure idea of democracy, democracy according to its definition, means the government of the whole people by the whole people, equally represented. Democracy as it is commonly conceived, & hitherto practiced, is the government of the whole people by a mere majority of the people, exclusively represented. The former is true, the latter false democracy. The former is the equality of all citizens; the latter, strangely confounded with it is a government of privilege, a privilege in favour of the numerical majority, who alone practically possess any voice in the state. This is the inevitable consequence of the manner in which the votes are now taken, to the complete disfranchisement of all minorities.

 $D_{-}020$

[Left side of page. D quire 019 verso. In pencil.] not ______ (4) one minority _____ (5) the power into the hands of some other minority

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

The confusion of ideas here is great, but it is so easily cleared up that one would suppose the slightest indication would be sufficient

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to place the matter in its true light before all minds of average intelligence. A democratic government is necessarily the government of the majority. In any representative body, when it comes to actual deliberation, the minority must be overruled, & in an equal democracy (since the opinions of the constituents, when they insist on them necessarily determine those of the assembly) the majority of the people, through their representatives, will outvote & prevail over the minority & their representatives. But does it follow that the minority should have no representatives at all? Because the majority ought to prevail over the minority, should the majority have all the votes, the minority none? Does it follow that the minority should not even be heard? Nothing but habit & old association could reconcile any reasonable being to the absurdity. In an equal democracy every or any section would be represented in proportion to its numbers. A majority of the electors would always have a majority of the representatives; but a minority of the electors would always have a minority of the representatives: man for man they would be as fully represented as the majority. If they are not it is not equal government but a government of inequality & privilege: a part of the people rule over the rest: there is a part whose fair & equal share of influence in the representation is withheld from them.

The effort of this is not as might be supposed, to place the division necessarily in the hands of the numerical majority. It does the very contrary. It places it in the hands of majority of the majority: a majority of the privileged class; who may be a minority of the whole people, all principles any best tested by extreme cases. Suppose that there were in this country

[D_020 verso blank]

E_001

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equal and universal suffrage, that there were a contested election in every constituency, & that every election was carried by a male majority. The Parliament which would be brought together would represent little more than a bare majority of the people. This Parliament proceeds to legislate, & adopts important measures by a bare majority of itself. What guarantee is there that these decisions accord with the wishes of a majority of the whole people? Nearly half the electors have not had the means of making their wishes felt, & most of these are probably adverse to the measures, since they have voted against the men by whom the measures have been carried. Of those who represent the remainder, nearly half have voted against the measures. It is possible, therefore, & even highly probable, that the opinion which has prevailed, was agreeable only to a minority of the nation, though a majority of the ruling class. It has probably been carried by the class interests of that section, against the wishes of a majority in the country.

The only possible answer which can be made to this argument is that as different opinions predominate in different localities the opinion which is in a minority in some places as in a majority in others, & that on the whole every opinion which exists in the constituencies obtains its fair share of voices in the representation. And this

is roughly true in the present state of the constituency: if it was not, the disaccordance [sic] of the House with the general sentiment of the

country would soon become evident. But it would be no longer true if the present constituency were much enlarged; still less if it were made coextensive with the whole population: for in that case the majority in every locality would consist of manual labourers; & when there was any question pending in which these

E_{002}

were at issue with the other classes, no other class would succeed in getting represented

anywhere. Even now, is it not a great injustice that in every Parliament, a very numerous portion of the community willing & anxious to be represented have no one in the House for whom they have voted? Is it

just that every elector of Marylebone is obliged to be represented by two nominees of the vestries, every elector of Finsbury by Sir M. Peto or Mr Cox? The constituencies

which contain the largest number of instructed & public spirited members, those of the larger towns, are now in great part unrepresented, or misrepresented:

Those

who are of a different political party from the local majority are unrepresented: while those who are of the same, are obliged to accept the representative who has the greatest number of adherents in his own party, & whose opinions may differ from theirs on every other point. It would be better in some respects if the minority were not allowed to vote at all, than when they vote only to be outvoted; for then at least the majority might have a member who would be representative of their best mind: but at present in order

to be sure of mustering the whole party, & so prevailing over their opponents, they are obliged to bring forward a candidate whom none of their own party will strongly object to, that is, a man without any distinctive peculiarity, any known opinions of his own, beyond the shibboleth

of the party: just as in the United States at the election of a President, the strongest party never dares put forward any of its strongest men, because every one of these is objectionable to some portion of the party, & therefore is not so sure a card for rallying all their voices, as a man who has never been heard of at all until he is produced as the candidate of the party. Thus the man who is likely to be chosen

E_{003}

even by the strongest party represents the real wishes of perhaps only the narrow margin which enables that party to outnumber the other & who are probably the most timid, or the most narrow minded & prejudiced individual of the class, those who held out the most obstinately for the exclusive class interest.

Those who have seen & felt in some degree the force of these considerations

have proposed various means by which the evil may be, in some material degree, mitigated. One of Lord John Russell's Reform Bills ______ (6) a provision that certain constituencies would return three members

& that in these each elector should be allowed to vote only for two: others have proposed that each should be allowed to vote only for one.

By either of these plans a minority, equalling or exceeding a third of the local constituency, would be able, if it attempted no more, to return one out of three members. This object might

be attained in a preferable way, if, agreeably, to a plan proposed in an able pamphlet by Mr James Garth Marshall of Leeds, the elector retained the whole of his three votes, but was at liberty to bestow them all upon the same candidate. These however are, at best, makeshifts, & attain the end in a very imperfect manner, since all local minorities of less than a third & all minorities however numerous which were made up from several constituencies, would still be unrepresented. It is however unfortunate that none of the plans has been adopted, as any of them would have recognized the principle, & made a way for its more complete adoption in a better shape. But real equality of representation is not obtained under any set of electors, wherever in the country they may reside, who are able to make up the average number of a constituency; have the power of combining together to return a representative. This seemed however be impracticable, until a man of great capacity; equal

E 004

at once to large general views & to the contrivance of practical details. Mr Thomas Hare - had proved its possibility by drawing up a scheme for its accomplishment, & embodying that scheme in a Draft of an Act of Parliament: a scheme which has the almost unprecedented merit of carrying out a great principle of government in a manner which approaches to ideal perfection as regards the special object in view, while it attains incidentally numerous other ends scarcely inferior in importance.

According to this plan, the unit of representation, the quota of electors

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who would be entitled to a member to themselves would be decided by dividing the number of voters by the number of seats in the Houses & every candidate

who obtained that quota would be returned, from however great a number of local

constituencies they might be collected. The votes would, as at present, be given locally; but any elector would be at liberty to vote for any candidate, in whatever part of the country he might offer himself. Those electors therefore who did not wish to be represented by any of the local candidates, might aid by their vote in the return of the candidate they liked best among all those throughout the country who had expressed

their willingness to serve. It is important however that not only those who refuse to vote for any of the local candidates, but also those who vote for one of them & are defeated, should be nevertheless represented. For this purpose it is

provided that an elector, may deliver a voting paper containing other names in addition to the one who stands foremost in his preference. His vote would only be counted for one

candidate, but if his first choice was not returned, owing to not having obtained the quota, his second might obtain it. He may extend his list to any number he pleases, in the order of his preferences, so that if the names which stand near the top of the list either cannot make up the quota, or are able to make it up without his vote, the vote may still

E 005

be used for some one who it may aid in returning. In order to obtain the full number of members, no more than the quota of votes would be counted for any candidate's return, however many votes he might

obtain: the remainder of those who voted for him would have their votes counted for the next person on their list who needed them & could by their aid complete the quota. The voting papers would be sent to a central Registry office where the votes would be counted, the number of first, second, third &c. votes given for each candidate ascertained & the quota allotted to every one who could make it up (according to certain fixed, & well considered rules to which I shall not further advert here) & their names returned as members of Parliament. The voting papers & all the elements of the calculation would be placed in public repositories & would be accessible to all whom they concerned.

These are the main provisions of the scheme: for a more minute knowledge of its very simple machinery, I must refer to Mr Hare's book "A Treatise on the Election of Representatives" (a small volume published in 1859) & to a compendious pamphlet by Mr Henry Fawcett published in 1860 & entitled "Mr Hare's Reform Bill simplified & explained" containing a very clear exposition of the plan reduced to its simplest elements. The more these works are studied, the stronger, I venture to predict will be the impression upon all competent minds of the perfect practicability of the plan & of its transcendant [sic. transcendent] advantages. These are so great & so numerous as to entitle, in my conviction, Mr Hare's plan to the very highest rank among the great improvements which have ever been made either in the theory or in the practice

of governments

In the first place, there would be a complete representation in proportion to numbers, not merely of two great parties, or a few large sectional minorities in particular places, but of every minority in the whole nation, which consisted of a sufficiently large number to be, on principles of equal justice, entitled to a representative. Every member of the House would be the representative of an unanimous constituency: he would represent 1000, or 2000, or 5000, or 10000 electors, according as the quota might be, every one of whom would not only have voted for him, but would have selected him from the whole country, & not, as now, from the two or three perhaps rotten oranges which may be the only choice offered to him in his local market. Every one of these electors would value his representative, & the representative would value his electors. He would be, in a sense & in a degree absolutely impossible now, the express image of their sentiments. Every one who voted for him, has done so because he is either the person, among all who have offered themselves, who best expresses the voter's own sentiments, or because he is the man of them all whose abilities & character the voter most respects, & is most willing to trust to think for him. He represents the voter himself, & at a few vestry men or other local leaders, or the mere bricks & mortar of the town. He is a person representing persons. At the same time whatever is worth preserving in the representation of places, would be preserved. Though the Parliament of the nation ought to have very little to do with purely local affairs which ought to be taken care of by local institutions, yet while it has to do with them, there ought to be members specially to look after the interests of every important locality; & this there would still be.

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In every constituency containing many more voters than the quota (& there ought to be no local constituency which does not) the local majority would generally wish to be represented by a person of local knowledge, & residing in the locality, if any such person who was among the candidates were otherwise fit to be their representative. It would be the minorities chiefly who, not being able to return the local representative, would look out for some one elsewhere

who might be likely to obtain other votes besides their own.

Of all possible modes of constituting a national representation, this is the one which would most obviate the evil of intellectual deficiency in the representatives. At present, by universal admission, it is becoming more & more difficult for any person, who has only talents & character to find his way into the House of Commons. The only persons who can get elected are those who possess local influence, or who succeed by lavish expenditure, or who are sent down by one of the two great parties from their London clubs & on the invitation of three or four local tradesmen or attornies, as being men whom the party rely on as sure voters. Under Mr Hare's system, those who did not like the local candidates, would fill their voting papers by a selection from all the men of national reputation, on the list of candidates, with whose general political principles they were in sympathy. Almost every such person, therefore, who was willing to serve, however devoid of local influence, although he had not sworn allegiance to any party (which the really best candidates are the least willing to do) would have a fair chance of making up the

quota: & with this encouragement such persons would offer themselves in numbers hitherto undreamt of. Hundreds of able men

E_{008}

of independent thought, though they would have no chance of being chosen by the majority of any constituency, have by their writings or their exertions in some field of public utility made themselves known & approved by a few persons in almost every district of the kingdom, & if they could reckon for their election every vote that would be given for them in every place, might be able to complete the number of the quota. In no other way which it seems possible to suggest, would Parliament be so certain of containing the very élite of the country.

And it is not only through the votes of minorities, that members

would be elected also would contribute to raise the intellectual standard of the House of Commons. Majorities would be compelled to look out for members of a much higher standard of qualifications.

When the individuals composing the majority are not reduced to the Hobson's choice of either voting for the person brought forward by their local leaders or if not voting at all - when the nominee of those leaders has to encounter the competition not only of the candidate of the minority but of all the men of established reputation in the country - it would be impossible

(as is now habitually done) to foist upon the constituency the first person who presents himself with the catchwords of the party in his mouth, & three or four thousand pounds in his pocket. The majority will insist on having a candidate worthy of their suffrages, or they will carry their votes somewhere else & the minority will prevail. The very best & most capable, therefore of the local notabilities will generally be put forward, & if possible such as are known in some very

advantageous to them beyond the localities, that their local strength may be fortified by some stray votes elsewhere. Constituencies will compete almost each other for the best candidates, & will vie with each other in selecting from among the men of local knowledge & connexions [sic] those who are most distinguished in every other respect.

E_{009}

The natural degeneracy of representative government, as of modern civilization in general, is towards collective mediocrity. And this tendency is strengthened by every reduction & extension of political franchises, because they place the commanding influence in the hands of classes further & further below the level of the most instructed persons in the community. In the false democracy which instead of giving representation to all, gives it only to the local majorities, the voice of the instructed minorities is not even heard in the representative body. It is universally admitted that in the American democracy, which is constituted on this faulty model, the highly instructed members of the community, except such of them as are willing to sacrifice their own opinions & modes of judgment & become the servile mouthpieces of their inferiors in knowledge do not even offer themselves for Congress or the State Legislatures : so certain is that they would have no chance of being elected. Had the enlightened & able founders of the American Republic been so fortunate as to hit upon Mr Hare's plan, the Federal & State Assemblies would have contained many such men

& Democracy would have been freed from its greatest reproach &

one of its most formidable evils. Against this evil the

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system of personal representation, as organized by Mr Hare, is almost a specific. The minority of

instructed minds scattered through the various constituencies would unite to return a number, proportioned to

their own numerical strength, of the very ablest men the country contains. They would have the strongest inducement to do this, because in no other mode

could they make their small numerical strength tell for something considerable.

E 010

The representatives of the majority, besides that they would themselves be decidedly improved in quality, by the operation of the system, would no longer

have the whole field to themselves. They would outnumber the others as much as the one class of electors outnumbers the other in the country; they could always outvote them, but they would speak & act under their eye & subject to their criticism. They would be obliged to meet the arguments of the instructed few by arguments apparently as strong: & as they would generally be well meaning (for thus much may reasonably be expected from a fairly chosen national representation) their own minds would be gradually raised by the minds with which they were in contact or even in conflict. The great & the small minds would not put forth their respective doctrines merely in books or periodicals, neither of them reading those of the other; they would meet face to face & hand to hand & there would be a fair comparison of their qualifications in presence of the country. It would be found out then whether the opinion which prevailed by counting votes,

would also prevail if the votes were weighed as well as counted.

E_011

of the first minds is sure to be great, & to be largely felt in the _______(8) of the whole, ever though they be felt to be, in many respects, opposed to its general spirit.

There remains a consideration among the most weighty & serious of all those which present themselves in political philosophy, in regard to which also the principle of personal representation, as applied by Mr Hare, shows the way out of a most formidable perplexity. In every government there is some power which is stronger than all the rest. In every government the power which is stronger than all the rest, endeavours to make itself the sole power. It is not content while there is anything which stands up & faces it, any influences not in agreement with its spirit. But if it succeeds [sic. succeeds] in suppressing all rival powers, & moulding everything after its own model, improvement, in that country, is at an end, & decline commences.

Even when the power which thus prevails is a good & salutary one, it does

二九 (一四三)

not contain in itself all the elements of good, & those which it does contain

can seldom produce their best fruit in that the presence of others which must be sought elsewhere.

No community has ever long

continued progressive but while a conflict was going on between the strongest power in the community & some rival powers: between the spiritual & the temporal power; the military or territorial class & the industrious class; the king & the people: the orthodox & free thinkers. The ascendancy of the numerical majority is less unjust, & on the whole less mischievous than many other ascendancies

but it is attended with the same kind of dangers: & those dangers attend it even more certainly: for when the government of the nation is in the hands of One or a Few, the Many are always present as a rival power which may not be strong enough, ever to overrule the other, but whose opinion &

sentiment is a moral & even a social support to all those who either from

E_012

conviction or from opposition of interest resist any of the tendencies of the ruling power: but when the democracy is supreme, there is no One or Few who are strong enough for dissentient opinions & injured or oppressed interests

to lean upon. The great difficulty of democratic government has hitherto seemed to be that of providing in a democratic society, what circumstances have provided hitherto in all other societies of the modern European world a social support, a point d'appui for resistance to the tendencies of the ruling power; that great social want, in default of which the older societies, & all but a few modern

& could only escape being offensive by not being attended to.

But if they formed a part of the Parliament, by the same right as any other of its members, by representing the same number of citizens, the same numerical fraction of the national will, their presence could give offense to nobody, while they would be in the position of highest vantage both for making their opinions & counsels heard, & for taking an active part in public

E_013

affairs. Their superior abilities would draw to them more than their numerical share of the actual administration of government; as the Athenians did not confide actual public functions to Cleon & Hyperbolus, but did to Nicias, & Theramenes & Alcibiades, though their habits & sympathies

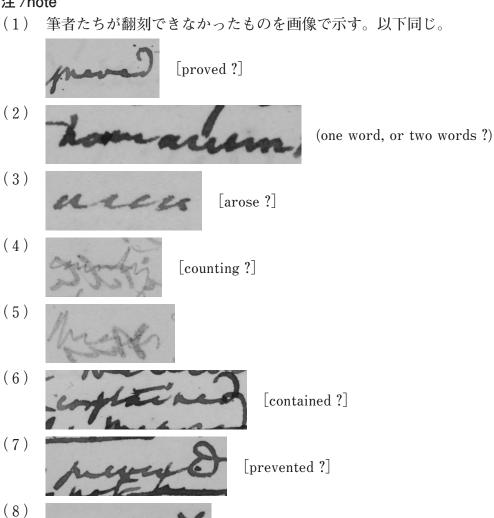
were with oligarchy rather than democracy. The instructed minority would in the actual voting count only for their numbers, but in practice they would count for more than their numbers in virtue of their knowledge, & by the influence it would

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give them over the rest. A democratic people would be provided in this way with what in any other way it would almost certainly miss_ leaders of a higher grade of intellect than itself. Modern democracy would have its occasional Pericles, & its habitual group of superior & guiding minds.

注 /note

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[councils ?]

[conceiving ?]