

# ジョン・ステュアート・ミル

## 『代議制統治論』 自筆草稿

——第8章と第9章（翻刻）——

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日本大学図書館法学部分館（法学部図書館）は、ジョン・ステュアート・ミル（John Stuart Mill, 1806-1873）の『代議制統治論』自筆草稿を所蔵している。私たち著者は、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8章と第9章である。

翻刻に際して、翻刻文に下線が引かれているものは、ミル本人によって下線が引かれていることを表している。翻刻文に二重の下線が引かれているものは、私たちが翻刻できなかったものを、灰色に着色されているものは、いまだその翻刻に確信が持てないものを表している。（ ）で示された部分はミルによるもの、[ ]で示された部分は、筆者たちが補ったものである。

### 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

八八（二九八）

**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、および原典と草稿との対照は、以下の表のとおりである。

表1 掲載誌／Journals

Preface	「ジョン・ステュアート・ミル『代議政治論』自筆草稿——序言と第1章（翻刻）——」 『法学紀要』60巻、2019年 John Stuart Mill’s Autographed Draft Manuscript “Considerations on Representative Government.” Transcription of Preface and Chapter 1. <i>HŌGAKU KIYŌ</i> . Vol. 60. 2019. <a href="https://www.publication.law.nihon-u.ac.jp/bulletin/bulletin_60.html">https://www.publication.law.nihon-u.ac.jp/bulletin/bulletin_60.html</a>
[Ch. 1] To what extent forms of government are a matter of choice	
[Ch. 2] The Criterion of a good Form of Government	「ジョン・ステュアート・ミル『代議制統治論』自筆草稿——第2章と第3章（翻刻）——」 『政経研究』56巻4号、2020年
[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 KENKYŪ</i> . Vol. 56(4). 2020. <a href="https://www.publication.law.nihon-u.ac.jp/political/political_56_4.html">https://www.publication.law.nihon-u.ac.jp/political/political_56_4.html</a>
[Ch. 4] To what society representative government is inapplicable	「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
[Ch. 5] What are the proper functions of representative bodies	John Stuart Mill’s Autographed Draft Manuscript “Considerations on Representative Government.” A Transcription of Chapter 4 and 5. <i>SEIKEI KENKYŪ</i> . Vol. 57(1). 2020. <a href="https://www.publication.law.nihon-u.ac.jp/political/political_57_1.html">https://www.publication.law.nihon-u.ac.jp/political/political_57_1.html</a>
[Ch. 6] Of the Infirmities & dangers to which representative government is liable	「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）——」 『政経研究』57巻2号、2020年
[Ch. 7] Of True & False Democracy; the representation of all, & the representation of the majority only	John Stuart Mill’s Autographed Draft Manuscript “Considerations on Representative Government.” A Transcription of Chapter 6 and 7. <i>SEIKEI KENKYŪ</i> . Vol. 57(2). 2020. <a href="https://www.publication.law.nihon-u.ac.jp/political/political_57_2.html">https://www.publication.law.nihon-u.ac.jp/political/political_57_2.html</a>
[Ch. 8] Of the extension of the suffrage	「ジョン・ステュアート・ミル『代議制統治論』自筆草稿——第8章と第9章（翻刻）——」 『政経研究』57巻3号、2020年
[Ch. 9] Should there be two stages of election ?	John Stuart Mill’s Autographed Draft Manuscript “Considerations on Representative Government.” A Transcription of Chapter 8 and 9. <i>SEIKEI KENKYŪ</i> . Vol. 57(3). 2020.

[Ch. 16] Of Nationality, as connected with Representative Government	「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
[Ch. 17] Of the government of dependencies by a free state	John Stuart Mill's Autographed Draft Manuscript "Considerations on Representative Government." Transcription of Chapter 16, 17 and 18. <i>HÖGAKU KIYŌ</i> . Vol. 61. 2020. <a href="https://www.publication.law.nihon-u.ac.jp/bulletin/bulletin_61.html">https://www.publication.law.nihon-u.ac.jp/bulletin/bulletin_61.html</a>
[Ch. 18] Of Federal Representative Governments	
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." <i>SEIKEI KENKYŪ</i> . Vol. 52(2). 2015. <a href="https://www.publication.law.nihon-u.ac.jp/political/political_52_2.html">https://www.publication.law.nihon-u.ac.jp/political/political_52_2.html</a>	

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 a good Form of Government	Ch.2. THE CRITERION OF A 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.	C h . 1 5 . O F L O C A L 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 C O N N E C T E D W I T H REPRESENTATIVE GOVERNMENT.
I_007-017	Of Federal Representative Governments.	C h . 1 7 . O F F E D E R A L R E P R E S E N T A T I V E GOVERNMENTS.
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 Manuscript "Considerations on Representative Government." A Transcription of Chapter 8 and 9.

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 8 and 9 from it.

The underline is written by Mill himself. Regrettably, the double underlined parts are the words which we couldn't transcribe. Words about which we are unsure are gray colored. Parentheses ( ) are by Mill. Brackets [ ] are by us.

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

E\_014 to F\_011. [Chapter 8]

E\_014

Of the extension of the suffrage.

A representative democracy such as has been now sketched, a democracy representative of all, & not solely of the majority, a democracy in which the interests, the opinions, the grades of intellect which were outnumbered, would nevertheless be heard, & though they could not prevail by their numbers, would have their chance of prevailing by weight of character & force of argument — a democracy like this, which is alone equal, alone impartial, alone the government of all by all, alone, in short, a **real** democracy, would be free from the **worst** of the evils which **beset** the falsely called democracies that now prevail, & from which the current idea of democracy is exclusively derived. But even in this democracy absolute power, if they chose to exercise it, would still be with the numerical majority ; & the majority would be composed exclusively of a single class, with the same biasses, prepossessions, & general modes of thinking, & that class also on the average the least **educated** & least cultivated. The constitution would therefore still be liable to the characteristic evils of class government, though in a far inferior degree to that exclusive government by a class which now usurps the **prostituted** name of democracy. <sup>(1)</sup> \_\_\_\_\_ so serious ought not to remain **without** an attempt at **remedy**. We have therefore now to consider if there be any means of organizing democracy by which those dangers may be reduced without sacrificing any of the characteristic advantages of that form

of social polity.

It is of the utmost importance that this object should be sought by means not involving the compulsory exclusion of any citizen from a voice in the representation. The most important of all education

E\_015

for every citizen down to the very lowest rank consists in being called on to take a part in those political acts which decide on the great interests of his country. In the life of a manual labourer where daily

occupation is one of routine, & whom the course of his pursuits brings in contact with no variety of impressions, circumstances, or ideas, there is nothing to lead his mind to the apprehension of \_\_\_\_\_<sup>(2)</sup>, wider, & more complicated interests, except the attention he may be induced to pay to political affairs. His daily occupations, again, concentrate his interests in a small circle round self, & lead him to feel towards all beyond that circle indifference if not rivalry. It is political discussions

which teach him that remote causes, & events which take place far off, have the most sensible effects even on his personal interests ; while it is by confessing with others on public questions & uniting with them in acts diverted to objects common to all that the individual learns to feel for & with his fellow citizens & becomes mentally a member of a large community. But political discussions fly over the heads of those who have no votes. They are not \_\_\_\_\_<sup>(3)</sup> of themselves to form opinions on public affairs, & other people are comparatively under no inducement to press such opinions on their notice. Whoever has no vote, & is not endeavouring to obtain one, feels himself

to be one whom the general affairs of society do not concern ; for whom they are to be managed by others, & who “has no business with the laws except to obey them” nor with public interests & concerns except as a looker-on.

But, independently of this, it is in itself a gross injustice to withhold from any one, unless by reason of preponderant dangers, the privilege of having his voice counted in the disposal of affairs in which he has the same interest as other people. If he is made to pay taxes,

if he can be made to fight, if he is required implicitly to obey, he ought

E\_016

to have a right to be told what for ; to have his consent asked, & his opinion counted at its worth (though not at more than its worth) in the decision of the question. There ought to be no pariahs [sic. pariahs] in a nation,

no disqualified classes except through their own default. Every one is degraded, whether he is aware of it or not, when others take upon themselves unlimited power to dispose of his destiny without taking him into council ; & even in highly improved state of the human mind it is not in nature that they who are so disposed of should meet with as fair play as those who are allowed to have a voice. Rulers & ruling classes are obliged to consider the interests of those who have the suffrage ; of those who have not, it is in their option whether they will do so or not ; & however well disposed, they are generally too fully occupied with things which they must attend to, to have room in their thoughts for anything which they can possibly disregard.

No arrangement of the suffrage, therefore, can be permanently



satisfactory, in which anybody is excluded ; in which the electoral privilege is not open to every person sui juris who desires to obtain it.

There are, however, certain exclusions, required by peremptory reasons

which do not conflict with this principle, & which though evils in themselves, are only to be got rid of by the cessation of the state of things which requires them. It is entirely inadmissible that any person should participate in the suffrage without proof

that he can read, write, & I will add, perform the simpler operations of arithmetic. Justice imperatively demands, even when the right of suffrage

does not depend on it, that the means of attaining these elementary acquirements should be brought within the reach of every person in the community

either gratuitously or at an expense not greater than the poorest can afford. But even if this has not been done, it is not a reason for giving

the suffrage free from **the** condition. If society has

E\_017

**omitted** to perform two solemn obligations, the more important & more fundamental of the two must be fulfilled first. It would seem that the most ordinary common sense must have fled from any one (or been silenced by fanatical adherence to an unmeaning abstraction) before he can maintain that power over others, over the whole community should be imparted to people who have not acquired the most ordinary & essential requisites for taking care of, & pursuing intelligently, their own interests, & those of the persons most nearly allied to them. This argument doubtless might be carried further, & made to

prove much more. It would be desirable that much more than reading, writing & arithmetic could be made necessary to the suffrage ; that some knowledge of the conformation of the earth its natural & political divisions, of the elements of general history, & of the history & institutions of their own country, should be required from all electors. But these kinds of knowledge, however essential to an intelligent use of the suffrages, are not, in any country (except the United States) accessible to the whole people, nor does there exist any trustworthy machinery for ascertaining whether it is possessed or no. The attempt, at present, would lead to partiality chicanery, & every kind of fraud. It is better that the suffrage should be withheld

          <sup>(4)</sup> other than conferred on some & denied to others awards to the interest of persons in authority. But it would be easy to require of every

one who presented himself for registry that he should in the presence of the registrar copy a sentence from an English book, & perform a sum in the rule of three ; & to secure, by fixed rules & complete publicity, the impartial application of so very simple a test. This therefore should in all cases accompany universal suffrage ;

E\_018

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In New York, 2 percent on the           <sup>(5)</sup>           <sup>(6)</sup>

being about half or  $\frac{2}{5}$  the rent

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

& it would, after a few years, exclude **none**, but those who cared so little for the suffrage that their vote, if given, would not be the indication of any real political opinion.

Another necessary restriction is that the assembly, which votes the taxes, whether general or local, should be elected exclusively by those who pay something towards the taxes **of** which they are **disposing**.

The reasons are obvious ; Those who pay no taxes, disposing by their votes of other people's money, have every motive to be lavish, & none to economize. It is simply allowing them to put their hands into other people's pockets, for any purpose which they think fit to call a public one : which in the great towns of the United States is said to have produced a scale of local taxation **heavy** beyond example, and wholly borne by the wealthier classes. To reconcile this condition of representation with universality, it is essential, as it is on all other accounts desirable, that taxation, in some shape or other, should descend to the very poorest class. In this & most other countries there is no labouring family which does not contribute to the indirect taxes, by its purchase of tea, coffee, sugar, not to mention beer or spirits. But this is hardly sufficient, since such a mode of bearing a share in the public expenses is scarcely felt ; the payer, unless a person of education & reflexion, **hardly** feels himself to be paying for the support of the government, he only feels as if the things he purchases **were** made dear through payments made by some one else.

However lavish an expenditure he might, by his vote, assist in

imposing on the government, he would take care that it should

E\_019

not be defrayed by taxes **imposed** on the articles which he himself consumes.

It would be better that a direct tax, in the simple form of a capitation, should be **laid** on every person in the community, or that a person should be admitted an elector on allowing himself to be rated extra ordinem to the assessed taxes, or that a small annual payment (**proportioned** to the gross expenditure of the country) should be required from every registered elector, that so every one might feel that the money which he assisted in voting away was partly his & that he was interested in keeping down its amount.

However this might be, I regard it as required by first principles that the receipt of parish relief should disqualify for the franchise. He who cannot by his own labour suffice for his own support, has no claim to the power of helping himself to the money of others.

By becoming dependent on the other members of the community for actual subsistence, he abdicates his claim to equal rights with them in other respects. Those to whom he is indebted **even** for his existence may justly claim the exclusive management of all those common concerns to which he now brings nothing, or brings less than he takes away. As a condition of the franchise, A term should be fixed, say five years, previous to the registry, doing which the applicant's name has not been on the parish books as a

recipient of relief. Various ways might be devised conformably to the existing institutions of the particular country, by which those might be kept out of the franchise who were not willing, or were temporarily unable, to comply with the necessary conditions. Thus if there were in all parishes or other local divisions a school rate, assessed on every family or household, it would be very proper to refuse the franchise

E\_020

to every one who, on his own application, had been excused from the rate if compulsory, or who had forborne to pay it if voluntary. None of these exclusions are in their nature permanent : they require such conditions only as all are able, or as all ought to be able, to fulfil if they choose ; they make the suffrage accessible to every one who is in the normal condition of a human being : & if any one has to forego it, he either does not care sufficiently for it, to do for its sake what he is morally bound to do for other reasons, or he is in a general condition of depression & degradation in which this slight addition, necessary for the security of others, would be unfelt, & on emerging from which this inferiority would disappear with the rest.

In the long run, therefore, it might be reasonably expected that all, except that (it is to be hoped) constantly diminishing class, the recipients of parish relief, would be in possession of votes, & the suffrage would be, with that slight abatement, universal. In this state of things, the majority of voters, in most countries, & emphatically in this, would be manual labourers ; & the two dangers, that of too low a standard of intelligence, & that of class

legislation, would still exist, in a very perilous degree. It remains to be seen whether any means exist by which these evils could be obviated.

They may be obviated completely, not by any artificial contrivance but by carrying out the natural order of human life, that which recommends itself to every one in things in which he has no interest or traditional opinion running counter to it. In all human affairs, every person interested, (at all events every one directly interested,

E\_020 verso blank.

F\_001

**F**

& not merely through some other person) has a claim to a voice, & cannot be deprived of it save either as a just stigma on his unfitness to use it or an unjust exclusion from a moral right. But (though every one ought to have a voice) that every one ought to have an equal voice is a totally different proposition.

When two persons

whose interests are jointly concerned, differ in opinion, if with equal virtue one

is superior to the other in intelligence, or if with equal intelligence one is superior to the other in virtue, the opinion, the judgment, of the higher

moral or intellectual being is worth more than the other, &

there ought to be a provision in human institutions for attaching to greater

importance. I assert this not as a thing

undesirable in itself, to be temporarily tolerated as long as it is

necessary for the prevention of greater evils, like the exclusion of part of the community from the suffrage. I affirm it to be right in itself, conformable to the most universal & comprehensive of all moral & political principles ; grounded in abstract justice, & the universal

fitness of things, which are only other words for the maxims & principles which obvious reason & universal experience prescribe for the guidance of human affairs generally or (if this be denied) are at least, always in accordance with those maxims & principles. Neither is there anything necessarily invidious in it to those to whom it assigns the lower degrees of influence. Entire exclusion from a voice in the joint concerns is one thing ; the grant to others of a more potential voice on the ground of greater capacity for the management of those joint concerns, is another. There two kinds of inferiority are not merely different, they are incommensurable.

F\_002

Everyone feels insulted by being made a nobody, & stamped as a nobody.

No one but a fool, & only a fool of a peculiar description, feels insulted by the acknowledgement that there are others whose opinion or even whose wish, is entitled to a greater amount of consideration than his.

To have no voice in what are partly his own concerns is what nobody willingly submits to ; but when what is partly his concern is also partly another's, & he feels that other to understand more of the subject, that the other's opinion should prevail over his agrees with his expectations, & with the course of things which

in all the concerns of life he is accustomed to acquiesce in. It is only necessary that the superior influence should be bestowed on grounds which he can comprehend, & which he is able to recognize as just.

It is quite inadmissible, unless as a temporary makeshift, that this superiority of influence should be conferred in consideration of property. I do not deny that property is some sort of test ; & education, in most countries, though anything but proportional to riches, is on the average better in the richer half of society than in the poorer ; but the criterion is so imperfect, accident had so much more to do than merit in enabling men to rise in the world, & it is so impossible for any one, by acquiring the instruction, to make sure of the corresponding rise in station, that this foundation of electoral privilege is always, & will continue to be, supremely odious. If there existed such a thing as systematic national education, or a system of universal examinations which could be relied on, education might be tested directly. In the absence of these, the nature of a person's occupation is some test. An employer of labour is on the average more intelligent than a labourer ; for he must labour with his head, & not solely with

F\_003

his hands. A foreman is generally more intelligent than an ordinary labourer, & a labourer in the skilled trades than one on the unskilled. A banker, merchant, or manufacturer, is likely to be more intelligent than a tradesman, because he has larger & more complicated interests to manage. But in all these



matters it is not the <sup>(7)</sup> of undertaking the superior function, but the successful performance of it, that is the test of qualification, & therefore, as well as to prevent men from engaging nominally in an occupation merely for the sake of the vote, it would be proper to require that the occupation should have been followed for some length of time (say three years). Subject to some such condition, two or more votes might be allowed to every person who hold any of these superior functions. The liberal professions, when really & not nominally pursued, imply of course, a superior degree of instruction, & whenever any sufficient examination, or any serious conditions of education, are required before entering on a profession, its members could be admitted at once to plurality of votes. The like may be affirmed of graduates of all universities ; & even of those who bring satisfactory certificates of having passed through the course of study required by any school at which the higher branches of knowledge are taught, under proper securities that the teaching is real, & not false pretense. The middle-class examinations so laudably & public spiritedly established by the University of Oxford, & any similar ones which may hereafter be instituted by any equally competent body (provided they were fairly open to all the world) afford a ground on which plurality of votes might with great benefit be accorded to those who had past [sic. passed] the test.

F\_004

If it be asked, how far this principle should be carried, or how many votes it would be allowable to accord to an individual on consideration of superior qualifications, I reply, that this is not any

material, provided no distinctions or gradations are made but such as can be made obvious & acceptable to the general conscience & understanding, & provided the limit be observed, prescribed by the fundamental principle laid down in a former chapter viz. that the plurality system must on no account be carried so far that the liberally educated class, or the gentleman class, or the wealthy class, shall outweigh by means of it all the rest of the community. The distinction in favour of education, right in itself, is further recommended by its preserving the educated class from the class legislation of the uneducated : but it must stop short of enabling them to practice class legislation on their own side, or it becomes an evil instead of a good. I must add that I consider it an absolutely necessary element of the plurality scheme, that it shall be open to the poorest individual in the community to claim its privileges if he is able to prove that in spite of all difficulties & obstacles he is, in point of intelligence, entitled to them. There ought to be voluntary examinations at which any person whatever might present himself, might prove that he came up to the standard of knowledge & ability laid down as sufficient, & be admitted in consequence to the plurality of votes. A privilege which is not refused to any one who can show that he has realized the conditions on which in theory & principle it is dependent, would not be repugnant to any one's sentiment of justice, as it would be if conferred on general presumptions which

F\_005

sometimes **fails** but denied to direct proof.

The principle of **double** voting in a direct shape is so unfamiliar in parliamentary elections (though **being** practiced in vestry elections & those of poor law guardians) that it is not likely to be soon or willingly adopted ; but though the suggestion, for the present, may not be a practical one, it is important as marking what is best in principle, & fit to be the guide in judging of the eligibility of any indirect means, either existing or capable of being introduced, which promote in a less perfect manner the same end. A person may have a double vote by other means than by tendering two votes at the same hustings ; he may have the right of voting in two different constituencies ; & though this privilege belongs at present to superiority of means rather than to superiority of intelligence. I would on no account abolish it where it exists, since until a truer test of intelligence is adopted, it would be unwise to dispense with even the bad **one** which already exists. The practice might with advantage be carried much further. If the suffrage were made universal, I would allow all graduates of universities all persons certificated by the higher schools, all the liberal professions, & perhaps others, to be registered as electors in that character & give their votes as such in any constituency in which they chose to register, retaining in addition their vote as simple citizens in the **locality** in which they have their residence.

Until there shall have been devised, & until opinion is willing to accept, some mode of plural voting which would assign to superior education the degree of superior influence in itself due to it, & which would

F\_006

[Left side of page. F quire 005 verso. In pencil.]

A still better plan is the Prussian recommended by Sir J. Pakington in the Reform debate. Each locality to **return three** members on **three** unequal property qualifications.

[Right side of page. F quire 006 recto.]

be a sufficient counterpoise to the numerical weight of the least educated class ; for so long, though universal suffrage would still be admissible, at least in some of the constituencies it would be necessary that it should be accompanied by such a electoral **grouping** that the class of manual labourers while having a large number of representatives, should not have the preponderant weight in the legislature. While this state of things exists, the present anomalies in the representation must in a great degree continue : the large **towns**, & any other constituencies in which the uneducated classes preponderate must have a number of members much less than in proportion to their population. <sup>i</sup> If the country does not choose to pursue the right ends by a regular system directly **leading** to them, it must be content with an irregular makeshift, as being immensely preferable to a system, free from irregularities but regularly adapted to wrong ends, or from which some ends equally necessary with the others have been left out.

I have said, & now \_\_\_\_\_<sup>(8)</sup>, that I should not despair of the beneficial **working**, even of equal & universal suffrage, if made real by the equal representation of all minorities through Mr Hare's scheme. But I must also

repeat, that even if this were certain. I should contend for the plurality of voting. I do not look upon equal voting as one of those things which are good as themselves, if only they can be guarded against inconveniences. I look upon it as bad in itself ; wrong in principle, because recognizing a wrong standard, & exercising a wrong & pernicious influence on the voter's mind. It is not useful, but hurtful, that the constitution of the country should declare ignorance to be entitled to as much political power as Knowledge. The national

F\_007

institutions should place all things which they are concerned with, before the mind of the citizen in the light in which it is for his good that he should habitually contemplate them : & as it is good that he should think that every one is entitled to some influence, but that the wiser & better are entitled to more than those who are less wise or less good, it is important that this conviction should be professed by the state, & embodied in the national institutions. Such things as this, are what constitute the spirit of the institutions of a country ; & the institutions of every country not under gross positive oppression produce more effect by their spirit than by any of their direct provisions, since by it they shape the national character.

The American institutions have engrained strongly on every American mind that any one man (with a white skin) is as good as any other ; & every one feels that this false creed is at the root of all <sup>many of [in pencil.]</sup> [underline, in pencil] the unfavorable points in the American character.

It is a great mischief that the constitution of any country should sanction this creed. There is scarcely any effect it can produce which is more detrimental to moral & intellectual progress in most of their shapes, than such a state of feeling, whether express or tacit.

It may perhaps be said, that a constitution which gives equal influence, man for man, to the most instructed & the most uninstructed, is nevertheless beneficial, in another manner, to progress, because the appeals constantly made to the less instructed classes & the attempts which the more instructed are obliged to make for enlightening their judgment & ridding them of errors & prejudices, are an extraordinary stimulant to their

F\_008

advancement in intelligence. I admit, or rather, strenuously contend, that this most beneficial effect is likely to be produced by admitting the uneducated classes to some, & even to a large share, of power. But theory & experience \_\_\_\_\_<sup>(9)</sup> in proving that the directly contrary effect is produced by making them the possessors of all power. Those who are supreme over all others, whether they are One, or Few, or Many, have no longer any need of the arms of reason : **they** can make their mere will prevail ; & those who **cannot** be resisted, are always far too well satisfied with their own opinions to be inclined to change them, or listen without impatience to those who tell them that they are in the wrong. The position which is favourable to the attainment of intelligence, is that of those who are acquiring power, not of those who have acquired it ; & of all **resting** points the one which develops the best & highest qualities

is that at which they are strong enough to make reason prevail, but not strong enough to prevail against reason. This is the position in which, according to the principles we have laid down, both the rich & the poor, the much & the little educated, all the other denominations which divide society between them, ought as far as possible to be placed ; & by combining this principle with the otherwise just one of giving superior weight to superior mental qualities, a political constitution would realize that kind of relative perfection which is alone compatible with human affairs.

In the preceding argument for universal, but graduated suffrage, I have taken no account whatever of difference of sex. I consider it to be as entirely irrelevant to political rights, as difference of height

F\_009

or difference in the colour of the hair. All grown up human beings have an equal interest in good government ; their interests are equally affected by it, & they have equal need of a voice in it to secure their share

of its benefits. If there be any difference, women require it more than men, since, being the weaker, they are more dependent on society & law for protecting them against the stronger. Mankind have long since abandoned the only premisses [sic. premises] which will support the conclusion

that women ought not to have votes. No one now holds that women should have no thought, no wish, no occupation, but to be the domestic drudges of husbands, fathers, or brothers. It is considered reasonable & proper that women should think, & write, & be teachers.

As soon as this is admitted, the fate of the political

disqualification is sealed. Men ought to be ashamed at this time of day to stand up & say that women are **fitter** for some things & less fit for others & that the **laws** therefore should keep women to some things & restrain them from others. The whole mode of thought of the modern world is, with increasing emphasis, pronouncing against the claim of society to decide for individuals what they are & are not fit for, & what they shall or shall not be allowed to try. If the principles of modern politics & political economy are good for anything, it is for proving that these are things which can only be found out by the individuals themselves. No less certainly have those principles decided that if there be any real differences in aptitude for different things, under complete freedom of choice the mass will adhere to the things for which they are on the average fittest, & the exceptional course will only be taken by the exceptions. Either the whole tendency of modern

F\_010

social improvements has been wrong, or it must be carried on to the abolition of all exclusions & all disabilities which close any employment whatever to a human being. But it is not necessary to maintain so much in order to prove that women ought to have the suffrage. Let them be ever so much a subordinate class, confined to domestic occupations & under domestic authority, they would not less require the protection of the suffrage to secure them against the abuse of that authority. The majority of the male sex will be nothing else all their lives than labourers in manufactories or in cornfields ; but this does not render the suffrage less desirable



for them, or their claim to it less indefeasible, when not likely to make a bad use of it. Nobody pretends to think that women would make a bad use of the suffrage. The worst that is said is that they would vote as mere dependents, at the bidding of their male relations. If it be so, so let it be. If they think for themselves Great good will be done, & if they do not, no harm. There will be some benefit to them in the bare fact that they have something to bestow which their husbands or brothers cannot compel, & are yet desirous to have. It would also be no small matter that the husband would discuss the subject with his wife, & that the vote would not be his concern alone but a joint matter. He would often be obliged to give honest reasons for his vote, such as might induce a more upright & impartial character to sail with him in the same boat. Often & often would the wife's influence keep him true to his own sincere opinion. Often indeed that influence would be used, not on the side of public principle, but of the personal interest or vanity of the family ; but wherever such would be its object, it is exerted to the

F\_011

full already, in that bad direction ; & the more certainly, in proportion as she is herself devoid of any political opinion ; & would be less likely to be thus mischievously used, in proportion as she was encouraged to form an opinion, & obtain an intelligent comprehension of reasons which ought to prevail with the conscience against the temptations of self interest family as well an individual.

J\_013

Should there be two stages of election ?

In some representative constitutions the course has been adopted of choosing the members of the representative body by a double process, the primary electors only electing other electors, & these again electing members of parliament. The purpose of this contrivance seems to have been that of putting a certain degree of impediment to the full **action** of popular power : giving the suffrage, & thereby the ultimate power, to the Many, but compelling them to exercise it through the agency of a comparatively few, who, it is supposed, will be less moved than the Demos itself by gusts of popular passion : & as the electors, being themselves a select body, may be expected considerably to exceed in intellect & character the general level of their constituents, a choice made by them is thought likely to be more careful & enlightened, & will in any case be made under a greater feeling of responsibility, than **if** made by the masses themselves. This mode of filtering, as it were, the popular suffrage through an intermediate body, admits of a very plausible defense in theory ; since it may be said with great appearance of reason, that it requires less intellect & instruction to judge which among our neighbours, can be most safely trusted to choose a member of parliament, than who is himself fittest to be one.

In the first place, however, it must be remembered, that if the

**dangers** incident to popular power may be thought to be in some

J\_014

measure diminished by this indirect arrangement, so also are its benefits ; & the latter effect is much more certain than the former. To enable

the system to act in the manner desired, the primary electors must use the suffrage bestowed on **them** in a manner conformable

to it, that is, each one of them must not **concern** himself about who the member of parliament is to be,

but only **about** whom **he** would like best to choose one for him.

And the **thing** must be, that he will not occupy his thoughts with political opinions & measures or political men, but will be guided only by his personal respect for some private individual, to whom he will give

a general power of attorney to act for him. Now if the primary electors really do thus act, one of the principal uses of giving them a vote at all is frustrated ; it **fails** of developing public spirit & political intelligence, of making public affairs a matter of interest to their feelings & an exercise to **their** minds. But, further this supposition involves inconsistent conditions, for if the voter feels no interest in the final result, how or why can he

be expected to feel any in the process which leads to it ? To wish to have a particular person for his representative **in** Parliament, is possible to a person

of a very moderate degree of intelligence ; & to wish to choose an elector who will elect that person, is a natural consequence :

but for one who does not care who is elected, or who feels bound to put that

consideration in abeyance, to feel any interest whatever in merely naming the worthiest person to elect another according to his own judgment, implies a zeal for what is right in the abstract, & a principle of duty for the sake of duty which is possible only to persons of a rather high grade of cultivation who by the very possession of it, show that they may be solely trusted

J\_015

with political power in a more direct form. A function less calculated in itself to kindle the feelings, & having less inducement to care for it except the determination conscientiously to discharge any function, could not well be **conferred** upon the

(10)

electors ; & if they cared enough about politics to set any value on that limited power, they would not be likely to be satisfied without one more extensive.

In the next place, admitting that a person who will not judge well of the fitness of a candidate for parliament, may be a sufficient judge of the general capacity & honesty of some one else whom he may appoint to choose a member of parliament for him ; I may remark, that if the voter acquiesces in this estimate of his capacity & really desires to have the choice made for him by some person **whom** he knows, nothing is easier for him than to **ask** that person whom he had better vote for the two modes election **than** coincide in their result. The whole advantage of indirect election is obtained under the direct. The two modes only begin to diverge in their operation when we suppose that the voter, would prefer if \_\_\_\_\_<sup>(11)</sup>, to use his own judgment in the choice of a representative

& only lets another choose for him because the law does not \_\_\_\_\_  
 him  
 to do anything else. But if this be his state of mind the indirect system  
 will be little **mere**  
 than nominal. He will only have to choose as elector a known partisan  
 of the candidate he prefers, or some one who will pledge himself  
 to vote for that candidate. This is the practical operation of the  
 Presidential  
 election in the United States. It is nominally indirect. The  
 population at large does not vote for the President, it votes for  
 electors  
 who choose the President. But nobody is **chosen** except  
 under express engagement to vote for a particular  
 person, nor does a citizen ever vote for an elector because

J\_016

of any preference for the man ; he votes for the Buchanan ticket, or the  
 Fremont ticket. And **thus** he will always do, if there is any active  
**interest**  
 in politics among the people generally. It must be remembered, that the  
 electors are not chosen in order that they may search the country, &  
 find the fittest person in it to be President, or to be a member of  
 parliament. There would be something to be said for the practice if **this**  
 were so ; but it never is so. The electors are to make their choice from  
 among those who have offered themselves as candidates ; & the people  
 who choose the electors, know perfectly well who these are. If there  
 be any political activity in the country, most of the electors  
 vote certainly have made up their minds which of these they would like  
 to

have ; & will make that the sole           <sup>(13)</sup> consideration of their vote. The partisans of each candidate will have their list of electors

ready, all pledged to vote for that candidate ; & the only question practically asked of the primary elector will be which of these lists he will have.

The case in which election by two degrees answers well in practice is when the chosen electors are not chosen solely as electors, but have other important functions to discharge, which precludes their being selected solely as delegates to give a particular vote. This is the case with another **electors** **or** the United States, that of the members of the Senate. That assembly is considered to represent not the people, but the States as such, & to be the guardian of that portion of independence which they have not alienated : & for this **purpose** each state returns to the Senate exactly the same number of members, (two) whether it be little Delaware or the “Empire State” of New York. These members are not chosen by the population

J\_017

but by the State Legislatures, who have themselves been elected by the people

of the State ; but as the whole business of internal legislation, & the control of the State executive devolves on them, they are elected more

with a view to that object than to the other, & in naming two persons to represent the State in the Federal Senate, they

really do for the most part exercise their own judgment, with only that general reference to public opinion which \_\_\_\_\_<sup>(14)</sup> all the acts of the representative body in a democracy. These elections, thus made, are conspicuously the best of all the elections in the U. States. The Senate invariably consisting of the most distinguished men among those who have made themselves known in public life. Indirect popular election, therefore, does, under certain conditions, fulfil its purpose well ; but those conditions are hardly to be found except in a federal government like the **American** where the election can be entrusted to local bodies whose other functions really extend to the most important duties of government. The only bodies in any analogous position who exist, or are likely to exist, in this **county** are the municipalities, & any similar bodies who exist or may be created for similar local purposes. But few persons would think it any improvement in the elections to Parliament if the members for the City of London were chosen by the Aldermen & Common Council, & those for Marylebone avowedly by the vestries of its component parishes. Even if those bodies were wholly unobjectionable as local boards, the qualities which would fit them for the limited & peculiar duties of town or parish edileship [sic. aedileship] are no guarantee of any special fitness to judge of the qualifications of candidates to **sit** in Parliament ; they

J\_018

probably would not fulfil this duty any better than it is fulfilled by the inhabitants voting directly ; while, on the other hand, if their duty of electing members of parliament were taken into consideration in selecting them for the office of vestrymen, **many** of the persons who were fittest

for that more restricted duty would inevitably be excluded from it if only by the necessity there would be of choosing persons whose sentiments in general politics agreed with those of the voters who elected them.

It appears therefore that all the benefits of indirect election will be just as much obtained under direct ; that such of them as would not be obtained under direct election, will **equally** fail to be obtained under indirect ; while the latter has considerable disadvantages peculiar to itself. The mere fact that it is an additional & superfluous wheel in the machinery, is a material evil. Its decided inferiority as a means of **exciting** public spirit of spreading political intelligence among the citizens, has already been adverted to ; & if it had any practical operation at all, it must make the voter identify himself \_\_\_\_\_<sup>(15)</sup> with his member, & the member feel a much less active sense of responsibility to his constituents.

In addition to all this, the comparatively small number of persons in whose hands, at last, the election of a member of parliament would rest, could not but afford great additional facilities to intrigue, & to every kind of corruption. It would be sufficient to gain over a small number of persons in order to be secure of being returned ; & those persons not holding

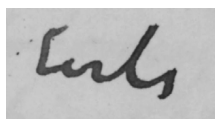


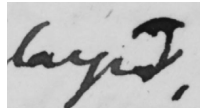
J\_019

any permanent office, or position in the public eye, would risk little by a corrupt vote except what they would care little for, not to be named electors again. This evil would arise just in proportion as any discretion was left them, as they were not chosen expressly & exclusively as mere delegates **to give** to carry, as it were vote of their constituents to the hustings. The moment the two stages of election began to have any effect, they would begin to have a bad effect. It seems unnecessary **writing** for England to say anything further in opposition to a scheme which has no support from any of the national traditions, & in which there could not perhaps be found in this country a single partisan. But a notion so plausible at the first view, & so familiar to students in politics, might perhaps be **brought** forward on some occasion when it might be seductive to some minds & it could not, therefore, even if none but English readers **were** to be considered, be passed altogether in silence

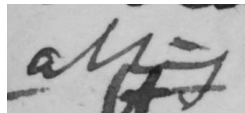
## 注 /note

- (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。



- (2)  [larger ?]

- (3)  [laid ?]

- (4) 

- (5)  [gross ?]
- (6)  [valuation ?]
- (7)  [fact or first ?]
- (8)  [repeat ?]
- (9) 
- (10) 
- (11)  [allowed ?]
- (12) 
- (13)  [determining ?]
- (14)  [persuades ?]
- (15)  [less ?]