

## 〈資料紹介〉

## 「加藤弘之へ答フル書」英文草稿

—自由民権運動研究の新史料—

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## 解 題

明治7年1月18日、英人ブラックの発行する『日新真事誌』上に、征韓論に破れて下野した板垣退助、副島種臣、古沢滋（迂郎）ら7名連署による民撰議院設立建白書が発表されるや、朝野にわたりその是非を巡って論争が巻き起った。『東京日日新聞』、『朝野新聞』等はこの論争の舞台となり、中でも『日新真事誌』は賛否両論を積極的に紹介していた。そして2月3日スペンサーの進化論の影響の下にプルンチュリ等ドイツ国法学にも関心を持っていた加藤弘之は、同紙上に「疑問」と題して民撰議院設立建白に対する反論を発表し、民撰議院の設立は我国においては時期尚早であると主張し、むしろ啓蒙的専制の可能性を論じた。すなわち加藤の古沢に対する反論は、「人民の未だ開明ならざる」我国において、民撰議院を設けることは「衆愚政治」となり、国家の治安をすら保証できないことになるから、フリードリヒ2世の例にならない、開明的君主を中心として治政を行ない、人民に教育を施して文明国にするの

が、民撰議院制度を設ける際の前提である、というものであった。

これに対し古沢は2月20日『日新真事誌』上に「対問」と題して反論を加えた。彼は加藤に対してフリードリヒ2世の例はドイツの国情において妥当なものであり、それを我国に適用することはできず、「我国人民の開明ならざる」は、その制度が過っているからに他ならないと再論するのである。そして教育とは書籍の教育だけがすべてではなくむしろ実際の訓練から学び取ることの方が重要であり、今直ちにすべての人民に選挙権を与える訳ではないのだから、衆愚政治に墮するというのはあたらないとした。こうして古沢は民撰議院の必要性を説くが、ここに紹介するのは、当館憲政資料室古沢文書に含まれるこの「対問」の英文草稿である（以下「対問」とは古沢等の加藤に対する反論をさす）。民撰議院設立建白書は古沢滋によって起草されたものと言われているが、この加藤への反論も同じ古沢によるものであろうことは、その論旨からみても、また古沢文書に含まれている他の彼の英文史料断片の手跡からみても推察される。

もちろん『日新真事誌』上に掲載された「対問」は邦文で書かれているが、その英文草稿が存在していたことは様々の意味で興味深い。すなわち第1に、この英文草稿の存在は、日本における近代政治思想の移入のメカニズムの一端について我々に語りかけている。議会や政治の概念が全くといっていい程存在していなかった明治初年において、帰国した留学生がそれらについて論ずるためには、彼らは議会制が存在し、政治について合理的な考究がなされていた西欧の言葉と論理で思惟しなければならなかったことを端的に示しているのである。第2に、この「対問」については、古沢文書中に英文草稿2種、和文草稿3種が存在し、これら5つの草稿と『日新真事誌』上に発表されたものとを比較検討すれば、古沢はじめ建白に参加した人々の議会制に対するアプローチについて何らかの手掛りが得られるかも知れないということである。たとえば議会制用語の翻訳、引用されているJ・S・ミル（以下ミルと略称）の原著との対応、論理構成等の諸点についてみるだけでも、創成期における日本近代議会制の一側面について知り得るであろう。第3に「その（民撰議院設立建白書の）草按は最初、古沢が英文で起草しこれを翻訳したのであるが……」（尾佐竹猛『日本憲政史大綱』）とあるように、以前より民撰議院設立建白書の英文草稿の存在が言われていたが、この「対問」の英文草稿の発見は、それを裏付けるものであると言い得る。

このような意味で、本草稿の紹介は決して無駄な事ではないと考えているが、以下古沢とミルについて若干触れてみたいと思う（なお古沢文書の概要については、昭和47年6月1日の『朝日新聞』に紹介されているので、それを参照されたい）。

さて古沢滋（1847～1911）は、土佐山内家の陪臣古沢南洋の次男として生まれた。維新に際して一時抱囚されていたがのち出獄、明治政府に出仕して明治3年7月英国に留学し、政治学経済学を修めた。同6年11月帰国するや、征韓論に破れ下野していた板垣退助らの知るところとなり、民撰議院設立建白に参加することとなった。『自由党史』によれば彼の参加の経緯は、林有造、片岡健吉等に、「国会開設の建白」を勧められた板垣が後藤象二郎に計ったところ「（彼は賛成し）……且つ曰く、頃日小室信夫、古沢滋新に英国より帰朝す。二人は頗る欧州に於る議院の制度に熟し、之を我邦に移すの意見を持せり。宜しく招致して建白書を起草せしむべし」という事であった。こうして明治7年1月、「古沢草する所の建白書成り……七氏連署してこれを左院に提出せり」（上巻82～83頁）。

この後古沢は「対問」「民撰議院弁」（岡本健三郎、小室信夫と共著）と民撰議院支持論を展開することになるが、これら諸論の基調となるのは英国留学中に学んだ政治学、特にしばしば彼が引用する功利主義の政治思想家ミルの政治論であった。ミルの古沢への影響は圧倒的であり、この「対問」中「ミル氏曰ク……」として引用する部分は10数ヶ所、彼の言葉を敷衍している部分まで含めると、この「対問」のほとんど全部といって良い程ミルの思想に依っている。

古沢の留学した明治3年はミルが64才、その死の3年前であり、社会主義への傾斜を深めていた時期であった。当時のイギリスは産業革命を経験し資本主義的世界の造物主として世界に君臨しながらも、内部では階級的自覚を持ったプロレタリアートが生成し、多くの社会問題を提起していた時代であった。社会は大きな転換期にあった

のである。これに対応して思想の領域では流動し変化する社会を総合的に捉えるために様々な試みがなされていた。社会進化論のスペンサー、実証主義をとるコント、サン・シモン、フーリエ等の空想社会主義者たちおよび功利主義の大成者ミル等、多様な学説の競合はそれらの試みの結果であった。こうした状況の下にあって古沢が様々な理論の背後にある問題性を正しく把握することなく、目前の資本主義隆盛に圧倒され、イギリス資本主義の正統たる自由主義＝功利主義をそのまま受容したと考へても決して不自然ではない。

ところで、ミルの政治理論の基本をなすのはその快苦論である。彼はベンサムの快楽と苦痛の量的な把握を発展させ、それに質的な区分を導入し、「満足した豚であるより不満に苦しむ人間である方が一層よく、満足した愚者より不満に悩むソクラテスの方が一層良い」とする。すなわち彼は人間の目標を人間としての成長、人格の完成に求め、それを促進するものが快楽であるとするのである。人間としての成長を保証するものは、個人の自由であり、思想および表現の自由、職業および趣味の自由、結社の自由は保証されなければならない。かくして政府は最大限の自由放任をもって個人の自由を保証し、個人の多様性と独創性を守らなければならない、それを実現する最良の政体が代議政体であるとするのである。ミルはその『代議政体論』において、民主主義の擁護という形で代議制を論じている。特にその第1章から第4章までは、代議政体の理論編とも言うべきものであり、その成立の根拠を論じている。試みに各章の標題をあげてみよう。

第1章 統治形態はどこまで選択事項か  
第2章 よい統治形態の基準

第3章 理念として最良の統治形態は民主主義である。

第4章 代議政体はどんな社会状態において適用し得ないか。

こうした標題の下に、ミルは一定の条件の下でのみ民主主義は正しく機能し、その条件の下では民主主義が最上の政体であると論ずる。そして、その判定の規準は、前述のごとくある政体が個人の多様性と独創性を推進し、人間としての成長を保証するか否かという事である。

以上のようなミルの政治理論をみる時、特に代議政体論における彼の議会政治論をみる時、古沢が加藤弘之に対して行なった反論の大部分がそこに含まれていることに気がつく。事実「対問」中ミルからの引用のほとんどすべてが代議政体論の第1～第4章に含まれている。古沢は、ミルの文章をかなり自由に切断しつなぎ合せて引用している所からみて、少くともその基本的考え方においては正しく理解していたものと思われる。しかしミルの議会制に対する実体的技術的見解等に対する言及は、「民撰議院弁」等をもみても余りなされていない。おそらく、議会を作ることが第一目標であった明治初年において、技術的問題は二次的問題であるとされたことにあるのだろうが、同時に未だ議会制を経験したことのない古沢等にとっては、そうした技術論は視野に入らなかったのであろう。

〔附記〕ここに紹介する「加藤弘之へ答フル書」英文草稿は、古沢文書にある2種の英文草稿の内、比較的完成された、おそらくは第二次英文草稿というべきものである。スペル、句読点については原則として原文のままであるが、ピリオドとコンマ、コロンとセミコロンについて曖昧なものは、前後からみて妥当なもの

とした。

なお第一次英文草稿との相異については、紙数の関係により省略した。

「加藤弘之へ答フル書」

英 文 草 稿

To Hiroyuki Kato Esq.

We have read with great pleasure, your questions about our memorial sent to Sa-In. In them, we see that you looked at it with a great deal of attention, and we gladly accept them as a kind gift rather than anything else. Should we leave them without answering, it would be no less than failure on our parts, to recognise your so great a kindness! We therefore state our opinions as follows.

The translation, you made from German author's work, is, in a word, to prove it is essential for any supporters of a particular institution, or a form of government, that they should first consider the stage of the people's advancement, and the particular states of their own country; this is what European boast as the main point of superiority in the political theories of the present above that of the last age. But, our urging, the exigency that a parliament should be established at once, is but the results of sully considering the necessary circumstances of the empire, so that, we regard ourselves as only following up the political theories of the 19th century.

The constitution of the present government is not a work of a single man, or the few, above, but of many below;

that is; first Ronins raising the cry for Restoration affected the followers of Daimios and the followers, the Daimios themselves. These three, associating their hearts with each other and uniting their strength, put yet a young emperor at their head to overthrow the Tychoonate, and, upon forming the institution, they first put forth the Imperial Oath, that all measures should be decided in accordance with the public opinion, or discussion. Besides, they called together Daimios, that they might actually take their parts in state affairs. Thereupon, the surrender to the emperor, of Daimios' dominions by themselves, and three legal systems (Fu, Han, Ken,) under one regulation. At least "The great task of abolishing Hans and establishing Kens" was accomplished. All these being taken from opinions of many, were virtually decided by the public discussions, the imperial government only reaping, the results of what had been already crowned. This is why these changes could be all so easily and rapidly achieved, as if the greater the deed, the easier.

After the abolition of Hans, the deputies having been no longer suffered to retain alone, the tendency of the government has been, ever since, approaching nearest what is termed Oligarchy in English. This evil must be remedied. Setting the example of Frederick the Great you prove the advantages of an absolute monarchy over the Representative system. But this citation is hardly applicable to the present state of our

empire. "Such examples as those of Charlemagne and Peter the Great are" "says Mr. Mill" "is unfrequent, that they can only be classed with the happy accidents. It would be absurd to construct institutions for the mere purpose of taking advantage of such possibilities, especially as men of this calibre, in any distinguished position, do not require despotic power to enable them to exert great influence, as is evidenced by the cases of Themistocles, and the first and third Williams of Orange." Now Frederick the Great was the very same class of men as Peter the Great etc.

We are self-confident that the greatness of His Majesty will not, in future, let Frederick the Great etc. remain engrossing the glory alone to themselves in Europe (as if it were their own only). But His Majesty is young still.

Then, the establishment of a parliament is the only means left within our choice, to meet the present exigency so as to hold up our empire from decline, say, to string it up. Moreover to institute the parliament is, in fact, to perfect the system of assembling the deputies from Daimios, and to carry out the Imperial Oaths into their full effect. Does not it therefore follow, that, to cite the examples of Frederick the Great, leaving the present circumstances of the empire altogether out of sight, is unconsciously ensuring the fallacy of the political theories of the 18th century, though the error is on the very opposite side?

By the way, you say that at the time

of Frederick, not only absolutism was prevalent throughout all states in Europe, but most of the great men, then living, justified it; he was, the only one, who laying bare the wrongness of arbitrary power, advanced the rights of people and restraining himself, reformed laws or institutions under his administrations. Thus, in after-age, he is regarded as the originator of modern European politics. This is, however, not without exaggeration! Before Frederick the Great came to the throne he was a worshipper of Voltaire whose doctrine, when spread, brought about such an age, that there was scarcely a throne in Europe, which was not filled by a liberal and reforming king, a liberal and reforming empire, or strangest of all, a liberal and reforming people. From this, you can see what was the cause that disposed not only Frederick the Great alone, but all sovereigns in Europe to reform.

You say that it is not possible to do for our country what Russia has not yet done. This is simply, since Peter the Great, Russians have always had their vigorous-minded emperors and their able ministers, by the hands of whom to the government has been carried on, befitting it for their own country. If you therefore pay a little attention to Russian politics, you will easily perceive why they do not have a parliament.

It is not our business to criticise other's government, there is a short remark on Russian government in Mr. Mill's works, but we have no occasion

even quote it. If we view Russia from the points of civilization only, can we a moment believe that Russians are behind Greek? But while the former are without a parliament, the latter avail themselves of their respective country.

You say that the general conditions of our people are such, therefore the parliament ought not yet to be established. Well; we say if your premise is true, it is so much necessary that the parliament should be established. Again you say our people is too obedient, because their civilization is low. In this case, we fear, you turned your words upside down. Why? For their civilization is low because they are themselves too obedient; and their being too obedient is the natural effect (consequence) of the badness of institutions, by which they have been hitherto government. "Nothing" says Mr. Mill<sup>(→)</sup> "is more certain that the improvement in human affairs is wholly the work of uncontended character." "Leaving things" "says the same author" "to the government is synonymous with carrying nothing about them and accepting their results when disagreeable, as a visitation of Nature. But to say this is to say, if the whole testimony of history is worth anything, that, the era of national decline has achieved; that is, if the nation had ever attained anything to decline from, if it has never risen above the condition of an Oriental people, in that condition it continues to stagnate." Therefore, if we wish at all, to make the condition of

our people, in general, improved. We must first of all, endeavour to let them renounce "their being too obedient, and, in that place, to recover their naturally energetic spirits. But this is only attainable by means of correcting the pernicious parts of the institution so as rendering it favourable to the people's progress" "Indispensable virtue" "says Mr. Mill" "therefore in a government which establish as itself over a people of savage independence, is, that it must make it obeyed (a despotic government); What people of slavery require, is not a government of force, but one of guidance (a parental despotism or an aristocracy). I need scarcely remark that such a government is only admirable as a means of gradually training the people to walk alone." (From this it may be fairly inferred thus — that for a people above the condition of slavery, which is one step in advance of savage, there is but one fit form of government — the representative.) "To determine" says the same author "the form of government most suited to any particular people, we must be able, among the defects and shortcomings, which belong to that people, to distinguish those, that are immediate impediment to progress; to discover what it is which (as it were) steps the way — . And (to given the observation a higher generality) the form of government, which is most effectual for carrying a people through the next stage of progress, will still be very improper for them, if it does this, in such a manner,

as to abstract, or positively unfit them for, the step next beyond. The Egyptian hierarchy, the parental despotism of China, were very fit instruments for carrying those nations to the point of civilization which they attained. But, having reached that point they were brought to a permanent halt, for want of mental liberty and individuality; requisites of improvement which the institution, that carried them thus far, entirely incapacitated them from acquiring. In all states of human improvement ever yet attained, the nature and degree of authority exercised over individuals the distribution of power, and the condition of command and obedience, are the most powerful of the influences. A community may be stopped at any point in their progress by defective adaptation of their government to their particular stage of advancement. And the indispensable merit of a government, in favour of which it may be forgiven almost any amount of other demerit compatible with progress, is that its operation on the people, is favourable, or not unfavourable, to the next step, which it is necessary for them to take, in order to raise themselves to a higher level."

Besides the above consideration, if the people in general, remains without being made to advance, their very morality shall not (be) able to develop itself, as it ought. "Wherever" says Mr. Mill "the sphere of action of human beings, is artificially circumscribed, their sentiments are narrowed in the same proportion. The

food of feeling is action; even domestic affection lives upon voluntary good offices. Let a person have nothing to do for his country, and he will not care for it. It has been said of old, that in a despotism there is, at most, but one patriot, the despot himself; and the saying rest on a just appreciation of the effects of absolute subjection, even to a good and wise master."

We have already showed the necessity of establishing the government for the present states of the empire; as well as too for an advanced stage of our people for such a government, as that of guidance. Can it be reasonable believed, that people, who, seven years ago were capable of constructing the present government out of their own exertions, are yet incapable (of) bearing up this institutions as if it were an exception? There are three conditions according to Mr. Mill, they are; First; the people, for whom the form of government (whatever its form may be) is intended, must be willing to accept: or at least not so unwilling to oppose an insurmountable obstacle to its establishment. Secondary; they must be willing and able to do what is necessary to keep it standing. Thirdly; they must be willing to able to do what it requires of them to enable it to fulfil its purposes.

Now, if this parliament is established, we do not purpose to make the people's franchise universal. The Samurais, and certain class of farmers and merchants, who are possessed of so much proper-

ties as their qualification requires, will, for the present, only be made to enjoy their franchise — the classes from which came forth the Ronins, that cried first for the Restoration, as well as its authors. Since we sent in the memorial to Sa-In, not a few letters has appeared in Newspapers criticising it as they pleased. But none of them ever questioned the establishment of a parliament itself, their utmost being to throw their own reflections on our personal character. (a fact we take as an auspicious sign of the public are not opposed to the Representative system.)

From this it may be seen that the three conditions above layed down, are not without existing in people. Now then, if we, bringing together the people's good qualities, make an organization of them so as to have their focus (as it were), their co-operation with the government, will be beyond expectation.

Before the Restoration, the anti-loyalist opposed it by declaring that "it can be well said, but can never be done." But when the Restoration burst forth, this anti-loyal saying silently vanished away. How difficult it is to settle such matters by the mere force of words, then why we should hesitate in the present undertaking?

You are opposed to the adoption of the representative system; because you fear, you say, that the parliament will inevitably turn out to be a depot exclusively of the foolish talkings in the empire. But this is not so. When the

parliament is established, the membership will be shared both by those, who are in office and those, who are out of the government; therefore how can we foretell whether it will not turn out to be a treasure exclusively of the highest intelligence and wisdom in the empire? And then nature of human feeling, is such that if any one once stands before many, his self-conceit, however strong in private, will soon yield to a nobler feeling, and will be glad to follow, in silence, those, he may esteem superior to himself. This is, in fact, the case with the most members of English or French parliament, who vote with their leaders. We, therefore, confidently conclude, that you are so afraid of this parliament, because you have not yet thought of such facts.

You say — leave such a thing as parliament at the present, and we do well in paying our attention to the education of the people. (This is very beautiful thing!) To plead education for nation, is itself worth the deed of philanthropist! But why have you not said a word of the importance of the mental education of the people? We shall therefore quote Mr. Mill's authority, that it may be of your service, and that you may see by what we say that the establishment of this parliament is the very means of making the people both educated and intelligent, so as to progress rapidly in their march of civilization. "It is not sufficiently considered how little there is in most men's ordinary life to give



any largeness to their conceptions or to their sentiments. Their work is routine, not a labour of love but of self-interest in the most elementary forms, the satisfaction of daily wants; neither the things done, nor the process of doing it, introduces the mind to thoughts or feelings extending beyond individuals; if instructive books are within their reach, there is no stimulus to read them, and in a case the individual has no access to any person of cultivation much superior to his own. Giving him something to do for the public, supplies, in a measure, all these deficiencies. If circumstances allow the amount of public duty assigned him to be considerable, it makes him an educated man. Notwithstanding the defects of social system, and moral ideas of antiquity, the practise of discostery and the ecclesia raised the intellectual of an average Athenian citizen far beyond anything of which there is yet an example in any other of mass of men ancient or modern."

"Among the foremost benefits of free government is that education of the intelligence and of the sentiments, which is carried down to the very lowest ranks of the people, when they are called to take a part in acts which directly affect the great interest of their country. People think it fanciful to expect so much from what seems so slight a cause — to recognise a potent instrument of mental improvement in the exercise of political franchises by the mass of people. Yet unless substancial mental cultivation in

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the mass of mankind is to be mere vision, this is the road by which it must come. If any one suposes that this road will not bring it, I call to witness the entire contents of M. de Tocquevilles' great work."

"It has often been said, and require to be repeated still oftener, that books and discourses alone are not education; that life is a problem, not a theorem; that action can only be learnt in action and(a)child learns to write its name only by a succession of trials; and is a man to be taught to use his mind and guide his conduct by mere precept? What can be learnt in school is important, but not all-important. The main branch of the education of human beings is their habitual employment; which much be either their individual vocation; or some matter of general concern, in which they are called to take a part. The private money-getting occupation of almost every one is more or less a mechanical routine; it brings but few of his faculties into action, while its exculsive pursuit tends to fasten his attention and interest upon himself, and upon his family as an appendage of himself; making(him) indifferent to the public, to the more generous objects, and the nobler interests, and, in his inordinate regard for his personal comforts, selfish and cowardly. Balance these tendencies by contrary ones; give him something to do for the public, whether as a vestry man, a juryman or an elector; and in that degree, his ideas and feelings are taken out of

this narrow circle. He becomes acquainted with more varied business, and a large range of consideration. He is made to feel that besides the interest which separate him from his fellow-citizens, he has interests which connect him with them, that not only the common weal is his weal, but that it partly depends upon his exertions. The desideratum of a general diffusion of intelligence among either the middle or lower classes, will not be realized, but by a corresponding dissemination of public functions and a voice in public affairs."

Upon concluding, you say, that to attempt to introduce the representative system into our country at the present, cannot escape the slander (or reproach) of "headless progress." But, if you read this letter with attention, and weigh it with the circumstances of the time, you will discover that it is otherwise.

Alas! Had we not had your questions asked, how we might have entered into such a depth of discussion! This we entirely owe to you. But we hear, that in the western world, national or general reforms or improvements, are, in a great measure, promoted by the men of learnings. Now you are a philosopher after the western fashion; then should our expectation from you, stop at

having got only a small manuscript, we have here considered.

We are Yours,

Taneomi Soejima

Shiojiro Goto

Taisuke Itagaki



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### 三条家文書目録 1 書類の部 <憲政資料目録第9>

昭和25年に三条家より譲渡を受けた三条家文書のうち, 書翰を除いた文書類の目録で, 実万, 実美父子関係のものが大半を占めている。幕末期と明治期との2部に分け, 前者は年代順に, 後者は分類順に排列。A5判, 112頁。