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Baba Tatsui and Victorian Britain: A Case-Study of an Early Meiji Intellectual*

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Introduction

The object of this paper is to examine the ways in which a period of study in Victorian Britain affected the thinking of an early Meiji intellectual. Relatively little has been written on Baba Tatsui (1850-1888),[1] and there are many clues in his short autobiography,[2] the relevant surviving parts of his diary,[3] and his speeches and other writings, which have not yet been fully investigated. Taken together, they provide a basis for reconstructing the sort of life which he lived in Britain, the social circles among which he moved, and the influences on his thinking. This study should also throw some light on those Japanese who have left less visible traces of their time of study in Britain, such as Ono Azusa and Hoshi Toru.[4]

Born into a family of middle-ranking samurai in Tosa, Baba was idealistic and romantic, filled from an early age 'with a desire to

do something for his country'.[5] He arrived in Britain in 1870 at the age of 20 and remained until 1878, with a brief visit back to Japan in 1874-75. Before this had come a total of two and a half, interrupted, years at Keio Gijuku, which provided the basic intellectual and linguistic tools which Baba needed for study in an English-speaking country. His experiences in Britain went on to shape his understanding of human society and development, and had a crucial role in determining the subsequent course of his life. He became convinced of the importance of representative government and responsible public opinion for the development of a strong nation, and developed definite ideas about the way in which political reform might be achieved in Japan.

Baba was first destined to study naval engineering, and briefly studied physics at University College, but when the Iwakura mission came to London in 1872, he became a government-sponsored student and was able to switch to law. Apparently this was in recognition of his skill at English.[6] He had begun to study this at Keio Gijuku when aged sixteen, and his exposure to it was so great that it seems likely that English became a more natural language to him than Japanese, in writing even if not in speaking. His autobiography and most of his surviving diaries were written in English, admittedly of a somewhat idiosyncratic sort, while his Japanese writings, mostly transcriptions of speeches, all underwent revision by other people before they were actually published.[7] This means that it is not really possible to analyse the style of his published works; it also means that he may have experienced frustration in communicating with Japanese who could not speak

English, such as Itagaki Taisuke.[8] This does not, however, mean that he lost, or became ashamed of, his Japanese identity.

Baba's period in Britain

Baba's surviving diaries for his time in Britain (1875, 1877 and extracts from 1876 and 1878) do not, unfortunately, disclose much information about his intellectual and emotional state. Taken together with his autobiography, however, it is possible to piece together a picture of what he was doing and the circles in which he was moving.

Baba spent his first six months in Britain in a village near Chippenham with the Rev. J. J. Daniell[9] and four other Japanese from Tosa-han. The group then moved to Warminster, where Baba spent some time studying subjects such as geometry, geography and history at the Grammar School.[10] While they were in Warminster, Higashi Fushimi no Miya also arrived[11] and the Japanese visitors received friendly greetings in the local press.[12] It seems reasonable to assume that there were some social contacts between the Japanese students and the townspeople.

Baba moved to London in October 1871 and lodged in various parts of the capital during his stay, at first near University College, in Gower St, later in Granby St, off the Hampstead Road.[13] Here the circumstances of his landlady, a widow with two children, led him to comment: 'Hard life in England. Much if not married.'[14] Finally he moved to West Croydon. These changes in lodgings may well correspond to a gradual deterioration in his

financial circumstances.[15]

Baba was given permission to change to the study of English law in the autumn of 1872; it was around this time that the inns of court were drawing up a clear course of study and compulsory examinations for those who wished to qualify as barristers. The examinations were not difficult.[16] Hoshi Toru qualified as a barrister in 1877, after about two and a half years of study, but while Baba was impressed by the system of legal education, he apparently only 'read through' the 'regular course',[17] and did not obtain any formal legal qualifications.

However, Baba read standard contemporary textbooks, such as Joshua Williams' *Principles of the Law of Real Property*,[18] and records a visit to Westminster to hear a case in the Court of Probate and from there to the Queen's Bench.[19] Moreover, the results of his legal training are evident in his speeches and writings, not only when dealing with actual legal subjects, but also, as we shall see, in the role which he assigns to law in the development of human society, and in the general references to legal issues which occur in his speeches and writings.[20] His legal training also probably influenced his ordered method of presenting his ideas, and his emphasis on public speaking. In addition, he may have been affected by the general atmosphere of the inns of court, especially since during this period a legal training was one way in which to gain entry to the political elite and the majority of barristers seem to have been Liberals.[21]

Baba did not only study. He had both Japanese and Western friends. He was a fairly frequent theatre-goer, with tastes ranging

from Henry Irving in Richard III to Ali Baba, but melodramas a particular favourite.[22] He read the political novels of Bulwer Lytton and Disraeli, including *Coningsby* and *Sybil*,[23] but seems to have had little interest in poetry, or in novels with a more social or literary focus.[24] The only novel by Dickens mentioned in his diary is *Bleak House*, with its dark portrait of London and the workings of British law, although he did go to see the dramatized version of *Nicholas Nickleby* at the Adelphi Theatre.[25]

Baba was also a frequent visitor to the Houses of Parliament, where he was, of course, able to watch Disraeli clashing with his great rival, Gladstone, and seems to have admired Disraeli's wit and Gladstone's oratory.[26] Baba's period in London coincided with Gladstone's first cabinet and Disraeli's second, both of which carried out major social reforms. Baba, however, seems to have been most interested in the controversy provoked by the Eastern Question, both inside and outside Parliament. The whole affair, he later recalled, gave him 'every opportunity to observe the benefit of possessing the representative institution for the mass of the people'.[27] Baba visited France, and was much impressed by Gambetta; he was also greatly struck by the public response to the death of John Stuart Mill in 1873:

> However short a man's life may be, his actions may live long in the memory of his posterity. Tatui Baba admired very much John S.Mill's straightforward and fearless treatment of social prejudices.[28]

Baba and London Society

Unlike Hoshi Toru, who shut himself up in his room to study,[29] Baba seems to have led a fairly active social life, and to have moved to a limited extent in London intellectual circles. It is not clear whether he gained an entry because of his personal qualities and English-language ability, or whether he was primarily being lionized as an exotic presence, at a time when there was great interest in Japan and a scarcity of accurate knowledge.[30] Two names which appear frequently in his diaries are those of Moncure D. Conway and Charles Ryalls.

Conway was Minister of the South Place Religious Society, then in Finsbury Place, from 1864-1884. A prominent American Unitarian who had developed strongly anti-slavery views despite his Southern origins, he originally came to London in 1863 on a short lecture tour, with the aim of countering Confederate efforts to discredit the Union.[31] A sympathetic and charismatic figure, he had a wide circle of acquaintances in Britain, including John Stuart Mill and Herbert Spencer.[32] He also had a positive interest in the theory of evolution, and in non-Christian religions.[33]

It is not clear exactly how or when Conway and Baba met, but the references to Conway in the 1875 diary make it clear that Baba was by that time a frequent guest at the Conway house, even when Conway himself was in the U. S. Baba even merits a brief, if muddled, reference in Conway's autobiography, published twenty-six years after Baba's departure from London. This gives some clues as to the nature of their relationship since Baba was

referred to as one of a number of friends who were

> able men from India, Persia and Japan. They, too, were pilgrims who had found no shrine. Contact with European thought had destroyed their old faith, but offered them only dogmas more repulsive. Tatui Baba, a learned ex-priest and statesman, and his Japanese friends in London, begged me to go and preach in Tokyo, and let that people know that cultured persons in Christendom did not believe the gospel of the missionaries.[34]

The implication, made especially clear by the mistaken reference to Baba as an 'ex-priest', is that Baba, and other Japanese, discussed with Conway the intellectual, and particularly religious, difficulties which confronted them as a result of all the changes which were taking place in Japan. Although it seems unlikely that Baba considered becoming a Christian, his diary does record occasional Sunday visits to South Place, and to other religious establishments, to hear for example Charles Voysey, a theistic preacher who had been expelled from the Church of England for unorthodox views, and William Kingdon Clifford, the mathematician and philosopher, 'who had gone through all the phases of religious faith into well-informed freedom'.[35] In addition, while Kataoka Kenkichi was in London, from June 1871 to March 1872, Baba apparently told him how most members of the upper and middle classes in Britain were Christian and gave him an explanation of theism, saying that in his opinion Unitarianism came closest to the truth.[36]

Conway was very enthusiastic about the theatre,[37] and may have encouraged Baba's interest. A more obvious influence, however, would have been in the area of public-opinion forming. Conway was noted for his skill in public speaking, and for the pamphlets

which he published and sent to friends and people in influential positions, in order to spread his views on political as well as religious topics.[38] He sent Baba a copy of *Republican Superstitions*, in which he criticized the two-chamber parliamentary system of both Britain and the U. S., and possibly influenced Baba to take up a similar position.[39] As another way of spreading his views, he engaged in journalistic activities.[40] Baba also published pamphlets at his own expense, both in Britain and subsequently in the U. S.; in Japan he made his real impact on the People's Rights Movement through public speaking and journalism. A further resemblance with Conway was his interest in evolutionary theory.

Ryalls is a more cloudy figure, but he opens the way to a social circle which was clearly of great importance for Baba. Ryalls was a barrister and presumably acted as Baba's tutor. Of more significance, however, was his connection with the National Association for the Promotion of Social Science, an organisation which had a great influence on Baba. From February 1873 Baba's name appears fairly regularly among those present at the sessional meetings of the Association. Ryalls also attended regularly, participating in the discussions, and on April 25 1873 was appointed General Secretary of the Association, a post which he held until February 1877.[41] Baba also attended the annual congresses of the Association at least twice: at Norwich in 1873 and Brighton in 1875.[42]

The National Association for the Promotion of Social Science was an amorphous organization formed in 1857, on the model of the British Association for the Advancement of Science, to coordinate

the activities of different groups of public-spirited Victorians.[43] It did this primarily through holding annual congresses organized in five 'departments', which by themselves give some idea of the breadth of its interests: jurisprudence and amendment of the law; education; punishment and reformation; public health; economy and trade (originally called 'social economy'). Involved in its early stages were leading politicians such as Lords John Russell and Brougham, prominent administrators such as John Simon, and intellectuals such as John Stuart Mill. The bulk of its members were middle class: lawyers, doctors, politicians, businessmen, women who were active in education and social reform. Reformist, but not revolutionary, their basic desire was to improve the efficiency of the status quo. Conscious of a responsibility to society, particularly to those less fortunate than themselves, they had an optimistic, if unrealistic, Benthamite belief in the power of properly drafted legislation to solve social problems.

The Association aimed to mediate between the government and active lay people throughout society, encouraging debate and research, on the role of trades unions for example, and successfully pressuring for reforming legislation in areas such as the property rights of married women, the treatment of criminals, and public sanitation. While ostensibly having a neutral political stance, its reformist aims ensured that it developed close links with the Liberal Party and with Gladstone, so much so that it has been closely associated with the development of the 'popular Liberalism' which formed his power base in the mid-nineteenth century. It is therefore said to have been at its most influential, if

gradually declining in vitality, from 1868 up to the mid-1870s, the period when Baba was involved, functioning rather like a 'watchful lobbyist' and focusing on the presentation of drafts for legislation at Westminster rather than on more general discussion and research as before.[44]

The week-long annual congresses, held at different British cities, were impressive affairs, attracting local support and national publicity and attended by local dignitaries and national figures, including many MPs, but with special meetings for respectable members of the working class. Among the questions discussed in 1873 were agricultural tenancies, the jury system, women's education, and relations between employers and employees, all issues which were to figure in Baba's speeches and writings.[45] Of even greater relevance was the International Law Section of the Jurisprudence Department at Brighton in 1875. It looked at the question: 'What, if any, are the Modifications required in the existing Law of Nations? And how may Municipal Law best be brought into harmony with international obligations?'[46] Hara Nagamasa (later Rokuro) made a short speech against extra-territoriality.[47] Baba, who had just finished writing a pamphlet on this very issue, supported him.[48] The International Law Section also suggested the holding of 'a special international meeting. . . for the purpose of influencing public opinion in favour of a moral international policy all over the world'.[49] In the Economy and Trade Section, Baba joined in the discussion following a talk on 'The Opium Revenue of India' by speaking against opium smoking.[50] He also seems to have taken full advantage of the

opportunities offered by the congresses to socialize with prominent Victorians, by visiting an elderly Harriet Martineau in her house in Norwich for example.[51]

Like the speeches at the annual congresses, the addresses at the fortnightly sessional meetings, held from November to June each year, involved proposals for reform, and therefore tended to be critical of the present situation in Britain and the Empire. Baba heard lectures which criticized British policy towards the control of wild animals in India, or drew attention to the ambiguous legal situation of trades unions involved in strikes. There were also reports about deputations from the Council of the Association to the government, for example to the Home Secretary regarding prison reform, in which Ryalls had been directly involved.[52]

Also of interest must have been Sir Edward Creasy's 'Address on Studies that Help for the Bar' which emphasized the importance of a broad base, including the study of rhetoric and journalism, with its specialized writing techniques, and a knowledge of Roman Law and the commentators on it. Ryalls spoke to support the importance of a 'thorough knowledge of principles' rather than 'crowding the mind with facts' in nurturing 'a capacity to follow an exhaustive course of reasoning'; Baba's speeches and writings suggest that his legal training was very much along these lines.[53]

Among others recorded as present at such sessions—and at the annual congresses—are more people who are mentioned as friends or acquaintances in Baba's diaries. Sheldon Amos, Professor of Jurisprudence at University College, was a keen supporter of women's education and female suffrage. His 'Lectures on

International Law' may have influenced Baba's pamphlets protesting against the unequal treaties.[54] Madame Ronniger, the editor of the *Aesthetic Review and Art Observer*, which reviewed Baba's 'The English in Japan', published Baba's reply to the review, and carried a notice recommending 'The Treaty Between Japan and England'.[55] She was also associated with Conway in supporting the National Sunday League, which campaigned for the opening of art galleries and museums on Sundays.[56] Miss E. A. Manning[57] will be mentioned below.

Baba's links with the Social Science Association helped to shape his experience of life in Britain, particularly his understanding of the political system and the way in which informed public opinion could be organized to put pressure on governments: 'He thought the freedom of speech beneficial to the general interests of the nation. . . '[58] His contacts with Ryalls, whose mediating duties as Secretary of the Association would have given him much insight into the inner workings of government, must have been especially valuable. In particular, Baba's belief in the importance of free debate influenced the direction of his future activities in Japan and was one of the main reasons why, in late 1873, he played a leading role, along with Ono Azusa, in forming the Society of Japanese Students in London. The other main reason was, of course, his desire to unite all Japanese students in London regardless of differences of feudal allegiance.[59]

The students' society was to meet once a month for speeches or discussions both in Japanese and English on a variety of topics. For example, Baba himself spoke on 'The Condition of Japanese

W. [Women]', the jury system and *Genji monogatari*.[60] Although it is not clear how far this ideal was actually realized, and although Baba himself was probably the most active member as long as he was in London, the Society survived beyond his departure, at least until 1886.[61] Even outside the meetings of the Society, Baba seems to have enjoyed provoking his fellow Japanese, such as Hoshi Toru,[62] into intellectual debates, if not arguments.

As is well known, the Kyosondoshu (founded by Ono Azusa in September 1874) drew on experience gained through the Society of Japanese Students, and was modelled even more closely on the Social Science Association, having, for example, four sections (Law, Education, Finance, and Hygiene).[63] When Baba returned to Japan in May 1878, he became active in the Kyosondoshu and a yearly meeting open to non-members was introduced,[64] reinforcing the similarity to the Social Science Association. He also introduced public lecture meetings as part of his plan to use the society as 'an instrument' to encourage freedom of speech and develop popular pressure for reform of the type generated by the Social Science Association.[65] The young, Western-educated professionals of the Kyosondoshu, many of whom were in government employ, were an ideal target for his efforts. Later, he became active in a similar, but less political, body, the Kojunsha.

Another organisation in which Baba became involved while in Britain was the National Indian Association. This may well have been at the suggestion of Miss E. A. Manning, whose stepmother had lived in India with her first husband and written books about it. Miss Manning was closely involved in the Association, acting

first as the treasurer and honorary secretary of the London branch, and becoming General Secretary in August 1877, on the death of the founder, Mary Carpenter. Formed in 1870 at the instigation of the Hindu reformist Keshub Chandra Sen, its aim was to spread knowledge of India in Britain, to 'promote by *voluntary effort* the enlightenment and improvement of our Hindu fellow subjects', and to 'cooperate with enlightened natives of India in their efforts for the improvement of their countrymen'.[66] These objects were to be carried out by mass education, including that of women, through developing personal contacts with Indians in England, and by other means. The London branch held meetings in the rooms of the Social Science Association and offered advice and friendship to visiting Indians, including students.[67]

Baba organized a party of Japanese, including Iga Yotaro, to join a tour of the Tower of London organised by the Association.[68] He may have become acquainted with some Indian students through the Association, particularly since there were many Indians at this time studying English law at the inns of court,[69] where Baba would at least have noticed them. There are also two references in his diaries to The Indian Society, which had been formed by Indians themselves in 1873, and sounds similar to the Society of Japanese Students,[70] and to his lending money to someone with an Indian-sounding name (Gosh).[71] These contacts may help to explain his occasional references to India and the (detrimental) effect of British rule,[72] particularly since it was barristers trained in England who formed the core of the early Indian National Congress.[73] As a close friend of Emily Davies, Miss Manning was also involved in

the founding of Girton, and was elected onto the Girton Executive Committee in 1873. It is possible that Baba was influenced by her views on women's education.[74]

Intellectual Influences on Baba

Baba's later speeches and writings after returning to Japan also make it clear that he was very much affected by the general intellectual climate in London at the time, most obviously in his frequent use of scientific analogies to support his arguments about the nature of human society and its political development. His political ideals—his belief in freedom and Japan's need for representative government—were founded on a complex understanding of human development which reflected the influence of contemporary British thought, but was nevertheless very much his own.

The major influences on Baba came from the ideas of Herbert Spencer, Walter Bagehot, Alexander Bain (the psychologist, who was also a close friend of John Stuart Mill) and Henry Maine (the legal scholar), who all assigned liberal democratic institutions an important role in human progress, and who all figure in Baba's writings. Baba even started a translation of *First Principles*, although only part of the first chapter was published,[75] and wrote a preface for a selective translation of six chapters of the same work in which he singled Spencer out from all philosophers past and present 'for the profundity of his scholarship and the unsurpassed nature of his arguments'.[76] He also made an incomplete oral translation of Maine's famous *Ancient Law* which

was originally delivered as a series of lectures.[77] One reason for his interest in such writers must have been their search for the key differences between the 'progressive' societies of Europe and the United States, and the rest of the world, particularly Asia. Of course Spencer had great influence on other Meiji intellectuals, and in other Asian countries, for similar reasons.[78]

The way in which Baba combined the idea of evolution with his particular understanding of political development, both in the West and in Japan, can best be seen through looking at his speeches and writings. His major work is 'Honron',[79] a complex, but probably incomplete, exposition of his world-view. This was serialised in the official newspaper of the Jiyuto, of which he was an editor. The aim was presumably to provide theoretical backing for the aims of the party, which was sorely lacking, although his thesis was probably too complex for most of the party's supporters to follow.

While the People's Rights Movement up till then had relied on a rather vague, primarily moral, concept of human rights influenced both by Western ideas (such as utilitarianism and the Christian view of man) and the neo-Confucian view of Heaven,[80] Baba wanted to provide scientific justification for their claims. He therefore set himself the difficult task of investigating the true nature of liberty, avoiding older arguments based on the idea of a Social Contract or that all men had an innate desire to find a similar kind of happiness, and taking into account the implications of more recent theories of human and social evolution.[81] As one would expect, therefore, he started with human nature, but rather than looking at man's religious or moral qualities he adopted an

empiricist approach and analysed the functions of the brain in a manner clearly influenced by the associationist psychology of Alexander Bain.[82] As Bain had done in *Mind and Body*,[83] Baba divided the workings of the mind in responding to external stimuli into feeling, will and thought, subdividing thought into agreement, discrimination and memory. He then pointed out that for the mind to develop to its maximum, smooth interaction with external phenomena was essential, and this required the freedom of thought, speech, and action. Even if the individual was allowed to develop his thoughts freely, this would have no effect unless he was also able to communicate them to others, and put them into practice.[84] There are shades here of Bagehot, who placed such stress in *Physics and Politics* on the role of 'discussion' in the development of the progressive civilization of the West.[85]

Since a prerequisite for such freedom was an organized society, Baba naturally went on to discuss the development and nature of human society. This he did according to a distinctively Spencerian framework. Human society was compared to an organism, its different parts interacting in the same way as the organs within the human body, and, like an organism, becoming more differentiated and complex as its development advanced. There was, however, one crucial difference between human societies and animal organisms: while the controlling thoughts and sensations in animal organisms were concentrated in the brain, in a society they were diffuse. Moreover, while the object of the higher animals, such as man, lay in the domain of the senses and the intellect, societies existed to enable man to enjoy his natural freedom.[86]

However, Baba observed that societies did not always fulfil their function satisfactorily; as they developed, harmful elements appeared, just as animal organisms developed illnesses. These must be identified and removed, otherwise they would harm the development of human nature, and man's enjoyment of freedom. In a clear reference to Bagehot's 'yoke of custom', Baba therefore went on to state that customs which had been beneficial at one stage of society but which had, in the course of time, become harmful, must be allowed to change. It is interesting to note that Bagehot himself had mentioned Japan, along with India, China, and 'almost every sort of Oriental civilization' as part of the 'family of arrested civilizations', arrested precisely because they had been unable to break free from outdated customs.[87]

Baba divided potentially harmful customs into three types: those involving families, those involving the organization of labour, and those involving social intercourse. In the case of the first two he was clearly influenced by Sir Henry Maine's *Ancient Law*,[88] to which Bagehot acknowledged a heavy intellectual debt in *Physics and Politics*.[89] Like Bagehot and Baba, Maine was interested in the fact that civilization had not developed at an equal pace all over the world, but Maine focused on the fossilizing role of law rather than custom. Roman Law was exceptional in having played a progressive role. In describing the family as the basic form of human society, tracing the gradual weakening of the absolute power of the father over his offspring and their property as Roman Law developed, and then talking of the quasi-paternal power of husbands over wives in ancient society, Baba was

basically summarizing Maine.[90] However, he also contrasted the present situation in Europe and America with that in Asia, including Japan: while in the former children had the right to become independent from their fathers, in India and China the evil customs of ancient Europe remained and even in Japan, despite many changes for the better, it was still not unusual for fathers to sell their daughters and to restrict the natural freedom of their offspring in other ways. Like all obstructions of the free interaction between man and his external environment, this was hindering the development of freedom as a whole.[91]

In the case of labour, like Maine, Baba again detected a development towards more equal relationships, from the recognition of slavery found in Roman law, to the feudal ties between master and retainer found until recently in Japan, to the situation in present-day Britain, where servants now had contracts and were protected in various ways.[92] One of the most famous passages in Maine's *Ancient Law* concerns this shift from relationships defined in hierarchical terms to those involving 'the free agreement of Individuals', characterized as 'a movement *from Status to Contract*'.[93] However, it is unclear whether Maine (or Bagehot) would have agreed when Baba emphasized the amount of exploitation of labour by capital which still existed even in Britain, and looked to the future efficient organization of labour on a national and even international scale to bring about true equality and freedom from oppression.[94] Here he referred to Disraeli's *Sybil* and included a lengthy quotation from a book on trade unions by William Thornton, a friend of John Stuart Mill.[95]

Baba also extended Maine's basic insight about the progress from status to contract to social intercourse, stressing the importance of relationships between independent individuals, untrammeled by considerations of who was part of your family and who was not (very important in traditional Japanese society of course); who was a member of your feudal clan and who was not (something that Baba himself had found among his fellow Japanese students and fought against in his early days in London); and of questions of rigidly defined social status, which had a divisive effect in India, and which were still apparent both in Europe, with its aristocratic families, and in Japan, where traces of the division of feudal society into four classes remained. The existence of such barriers to free social intercourse made it difficult for people to behave naturally with relative strangers, and thus hindered the free exchange of ideas, and the free development of society. Baba ended the last instalment of 'Honron' in a call to the intellectuals of Japan to help to abolish these barriers, as obstacles to the true unity of their country.[96]

The serialiation of 'Honron' came to an end, probably prematurely, without any direct link being drawn between Baba's basic evolutionary framework and the nature of political development, although his fundamentally liberal orientation is clear from the key position which he gives to individual freedom. The full picture can, however, be sketched in from other writings and speeches, dating from both before and after 'Honron'. As in the latter, Baba is clearly developing and adapting the ideas which he had encountered in the West so that they were relevant to the

issues which he considered important, giving historical events such as the French Revolution and the Meiji Restoration a specific place in the evolution process.

In doing this, he tended to stray considerably away from Spencer. One of the laws of evolution about which Spencer wrote in *First Principles*, and elsewhere, was the law of equilibration, according to which all the 'antagonist forces' which Spencer observed at work led to 'the ultimate establishment of balance'. In terms of governmental institutions, Spencer saw a process whereby violent oscillations between 'tyranny' and 'licence' gradually became more moderate, as equilibration neared completion.[97] Baba, however, presented the force of equilibration in human society as a law which worked against the strong in favour of the weak, and which could not be denied. The more an oppressive government tried to prolong its existence through oppressive means, the more catastrophic would be its fall, as was seen in the French Revolution. Baba urged the Japanese government to take note of 'this inevitable force of equilibration', and to put it to work as he observed happening in the British system, where conservative and progressive forces existed peacefully side by side.[98] In a later speech, defending political activists from accusations that they were dangerous revolutionaries, a more radical Baba again brought up the French Revolution, and said that it was caused by the intractibility of the despotic government of France, which had stood in the way of the improvement and advance of society, rather than by the revolutionaries. Upheaval was a natural part of progress and extraordinary upheavals were sometimes necessary to

remove extraordinary obstacles—as was the case with the Meiji Restoration. It was the revolutionaries, not the conservatives who tried to suppress them, who were really working to improve society.[99]

Spencer, of course, saw revolutions, and all sudden change, as causing disorder and contributing to dissolution (in the sense of disintegration) rather than evolution (in the sense of integration).[100] Interestingly enough, from the 2nd (1867) edition of *First Principles*, Spencer actually referred to Japan itself as an example of a society that had reached 'moving equilibrium' but then disintegrated under the unusual shock of the impact of European civilization, although 'political re-organization' would 'probably' follow.[101] Baba, however, took a much more optimistic view of such abrupt change, and detected a pattern of disintegration followed by integration followed by disintegration throughout Japanese history. The Meiji Restoration was therefore the result of internal and external forces combining to produce the inevitable disintegration of the Tokugawa system as it approached absolute stagnation. Like Spencer, however, he did see smooth change as more desirable and went on to suggest ways in which the forces of dissolution and evolution could be harnessed so that such abrupt change was no longer necessary. Here again, he came up with a British-type system in which integration and disintegration were kept in equilibrium through a system of representative government, with conservative and progressive parties keeping each other in balance, and freedom of both speech and information.[102] In *Tenpujinkenron* (1883), he even argued that to bring about universal

male suffrage was in fact to introduce 'the survival of the fittest by peaceful means'.[103]

Baba's View of Britain and Japan

As has probably become clear, concrete references to Britain were frequent in Baba's speeches and writings. He praised the balance of the political system, which meant that conservative and progressive forces held each other in check. This had enabled Britain to avoid the political extremes which had caused so much suffering in France.[104] He also praised the emphasis which British politicians gave to the state of public opinion—in Britain itself, and in foreign countries when foreign policy was involved.[105] On the other hand, in 'Honron' he pointed to the bad state of employer-employee relations—the exploitation of labour by capital despite the existence of trade union legislation—and the even worse situation of the agricultural tenant, particularly in Ireland.[106]

He also had observations to make about India. In the original preface to his *Elementary Grammar of the Japanese Language*, he quoted from Mary Carpenter, founder of the National Indian Association, in order to warn that if English was selected as the language of education in Japan, this would have the disastrous effect of preventing communication between the educated and the uneducated, as had happened in India.[107] In *Tenpujinkenron* he refuted Kato Hiroyuki's claim that Britain was not oppressing Indians, by emphasizing that Indians had no role in governing their country, and revealing that while in Britain he had heard

Indians saying that if Britain and Russia were to go to war, they would support Russia.[108]

Baba's attitude to Britain was therefore mixed. His liberal idealism was offended by the contradiction between the image of Britain, with its ideals of justice and civilization, and the way in which these ideals tended to be flouted in practice. Nowhere is this clearer than in the two pamphlets which he published in English while in Britain, in 1875 and 1876, in an attempt to awaken British public opinion to the uncivilized behaviour of many of the British merchants in Japan, and the unjust nature of the treaties between the two countries.

The pamphlets were written after Baba's short trip back to Japan in 1874-5, and the fierce attack on the hypocrisy of the English residents, 'these soi-disant civilised philanthropists', in the first, 'The English in Japan', together with his withering use of irony at the beginning,[109] suggest that Baba had been incensed by what he saw of foreign behaviour in Japan. He may also have made the painful discovery that he could not enjoy the social contacts with the British in Yokohama or Tokyo that his treatment in Warminster and among his liberal acquaintances in London had led him to expect.

Baba argued that the consular courts where British subjects were tried put Japanese plaintiffs at a disadvantage, and were often too lenient in their sentences. As his main example he gave a famous case in which an Englishman found guilty by the consular judge (but not by the lay assessors) of the rape of a thirteen-year old Japanese girl was given a prison sentence of six months.[110] In 'The

Treaty between Japan and England', which was written in a relatively calm tone, he suggested that the treaties were not legitimate since the Tokugawa Bakufu lacked popular support and was negotiating from a position of weakness. He also protested that Japan's lack of tariff autonomy gave unfair advantages to imported goods, while the British government was free to impose extortionate duties on Japanese products. Despite all this, however, he was yet able to appeal 'to the opinion of the British public in England, who are always ready to judge impartially, and are justly distinguished for their love of "fair play".'[111]

The pamphlets are also of interest for Baba's nationalist stress on Japan's status as an independent nation which should be treated as an equal by Britain, and for his combination of a liberal emphasis on the common humanity of all nations with a recognition of the existence of cultural differences. He used his legal knowledge effectively, arguing that Japan already had a constitution in the sense that it possessed a functioning government; while differences between English and Japanese law were inevitable, as reflections of differences in the 'necessities which the laws are made to meet'[112] in the two countries, it was against 'all principles of justice and humanity' that Japan should be denied the 'indisputable right of an independent nation to have sole jurisdiction over all those who reside within the territory'.[113]

Baba may well have been influenced by Sheldon Amos, whose lectures on international law, originally delivered at the Middle Temple, were published in 1874. Amos emphasised the importance of 'true International Morality' in international relations and

distinguished between relationships joining independent states at a similar level, such as the nations of Europe, where international law could exist, and relationships between states where 'owing to extreme disparity in their progress and therefore in their moral feeling and standing, or owing to a hopeless separation in the matter of language' the Western system of international law could not function. As an example of the latter case, he gave relations with China. On the other hand, he emphasised that treaties should be revised if they were made when countries were 'physically and morally weak, or . . . under considerable pressure'.[114] Baba was arguing precisely that Japan was now an independent nation on the level of the states of Europe, and that the unequal treaties had been signed under pressure when the country was in a weak state.[115]

The pamphlets were published by Trubner, somewhat unwillingly,[116] at Baba's own expense. The first he seems to have distributed to friends, but the second was also sent to notable public figures, such as Gladstone and Disraeli.[117] Edward Tylor the anthropologist, for whom Baba translated extracts from the *Kojiki*, bought four copies of 'The English in Japan', but no other direct sales are recorded.[118]

It is unclear how much impact the pamphlets had outside Baba's circle of friends in Britain, who were apparently impressed because they were the work of an individual rather than a government.[119] The only concrete response which Baba actually records from an acquaintance is the laconic 'Received a letter from Mr. Voysey "you deserve [presumably congratulations]" about the pamphlet'.[120]

However, it is tempting to link Baba's failure to attend any sessional meetings of the Social Science Association after 13 January 1876, and the disappearance of Ryall's name from the diaries after 6 February 1877, to the failure of the Association to respond positively to Baba's initiatives. The one review of 'The English in Japan' which has been traced, in Madame Ronniger's obscure and short-lived *Aesthetic Review*, was quite positive but suggested that the pamphlet was really an indirect attack on Christianity written by an Englishman pretending to be Japanese.[121]

Baba's Return to Japan

In his last year in London, Baba was clearly feeling low. Physically he was unwell, mentally he was unsure of his future course. He knew that he would have to return to Japan sooner or later, but despite the positive picture of the early Meiji government given in 'The Treaty between Japan and England',[122] he did not know what would await him there. When Kikuchi Dairoku returned to Japan in March 1877 Baba noted in his diary: 'I think Kikuchi will be disappointed in Japan, especially with the society.' In May, he wrote: 'Am I happy? I do not think so. Shall I think the present was happy when I look back in ten years hence[?]'[123] Then, in January 1878, came the famous argument in which he injured Manabe Kaisaku, one of his original companions from Tosa, and gave himself up for arrest at the local police station. If nothing else, this incident gave Baba first-hand experience of the British legal and remand systems, which he could later compare

with those of Japan. As soon as his trial was over, he left Britain.

Baba arrived back in Japan in May 1878, but he showed no interest in the lucrative government posts which Western education had opened up for many of his fellow students. Instead, he threw himself into activities designed to raise the level of political consciousness of the Japanese people. For a time he was successful and the Kyosondoshu, which he was using as his base, flourished, attracting the support of a wide circle of Meiji intellectuals. But his activities depended on an atmosphere which encouraged freedom of speech, and therefore on a stable political situation. Three days after Baba's return to Japan, however, came the assassination of Okubo Toshimichi; the government ban on public speech-making by government employees in May of the follwing year was a virtual deathblow to the Kyosondoshu, although the leading members had begun to go their separate ways even before this.[124] The situation went from bad to worse, driving Baba to abandon the consensus approach favoured by the Social Science Association in favour of a more radical stance which involved increasingly outspoken criticism of the government. This in turn lead to his being banned from speaking on political topics in the Tokyo area for six months from 1883. His relationship with other political activists was also somewhat uneasy. For a time he played a prominent role in the Jiyuto, but he had a very low view of Itagaki Taisuke and of the rural leadership of the party, which seemed to him ignorant and 'miserably subservient' towards the police.[125] There is evidence that the rural leadership, if not Itagaki himself, resented Baba's Western ways and reciprocated his

contempt.[126] In 1883, he left the party, and in 1886 he left Japan, never to return.[127]

Conclusion

Baba is interesting as a case study of the young Western-educated Meiji intellectual. They might not always have been able to feel pride in their country, but they were always working in what they perceived to be its best interests. Many of them, like Baba, saw politics as the field in which they could best 'do something' for their country. While a significant proportion, like him, were critical of the Japanese government and joined the People's Rights Movement, Baba was unusual in the depth of his commitment, and his long experience of life in a country with an elected government. But despite the young age at which he went to Britain, and the fact that English became his natural written language, Baba never lost a strong sense of Japanese identity, and—unlike some of his contemporaries—, never argued that Japan should adopt Western institutions wholesale. He interpreted and developed the ideas which he had encountered in the West so that they both agreed with and justified his own political principles, and could also be applied directly to the situation in which Japan found itself.

In his political speeches in Japan, Baba frequently drew on his knowledge of Britain but, as we have seen, this was not always to praise. Neither did he adopt a strategy of criticizing Britain only when in Japan. He was willing to criticize Britain to the British, and Japan to his fellow Japanese. The more he knew of Britain,

the more he knew of its imperfections (his experiences in the National Association for the Promotion of Social Science must have helped here); this enabled him to criticize Britain, and must also have encouraged his positive feelings about Japan. Yet the combination of national loyalty and liberal ideals undoubtedly gave rise to intellectual tensions. His knowledge of the way in which the British political system worked, the important role of the opposition party in the two-party system, and of pressure groups such as the Social Science Association, must have made him painfully aware of the gap between the general level of political consciousness in mid-Victorian Britain and early Meiji Japan.

While in Britain, and for a short time after his return to Japan, Baba had reasons for feeling, at least on the surface, that the gap could be, and was being, closed, and that he had a significant role to play. But the harsh realities of Japan in the mid-1880s put paid to his idealism. Given the importance of freedom of speech to his scheme of political development, the government restrictions on newspapers and speech meetings must have given him particular cause for despair.

Baba had spent so long in Britain that he probably understood the British political system better than any other Japanese then living. But he had also spent so long away from Japan, at a time when he and Japan were at crucial periods of development, that it was difficult for him to accept, and work within, the Japanese system, and it was also difficult for him to communicate his views to, and understand the viewpoint of, those who did not have the benefit of his experiences. Unable to act effectively in Japan, he

abandoned all possibility of working for reform from within. The only hope lay in building up external pressure through informing Western public opinion of the real state of affairs in the Japan of the mid 1880s: the oppressive government and lack of any effective opposition which lay behind the veneer of Westernization. So it was that he embarked on the lonely path in America which led to his tragic early death.

Footnotes

* I must thank both Hagihara Nobutoshi and Matsuzawa Hiroaki for their advice and encouragement in the writing of this paper. A preliminary draft was published in Hugh Cortazzi and Gordon Daniels, eds, *Britain and Japan, 1859-1991: Themes and Personalities,* London: Routledge, 1991, pp.107-117.

1 See in particular 西田長寿「馬場辰猪」, 明治史料研究連絡会編『民権論からナショナリズムへ』御茶の水書房, 1957年, pp.114-91, and the fine biography by 萩原延壽『馬場辰猪』中央公論社, 1967年.

2 'The Life of Tatui Baba', unpublished manuscript written in English, in the third person, mostly in 1885, 『馬場辰猪全集』(BTZ) 第3巻, 岩波書店, 1988年, pp.135-75.

3 The originals for 1875 and 1877 (also in English) are printed in BTZⅢ, pp.179-243. Extracts, including parts of 1876 and 1878, have been selected and translated into Japanese by 馬場孤蝶「日記を通して見たる馬場辰猪」BTZⅢ, esp. pp.102-104, 105-106, originally published in 『雄弁』(1920年2月).

4 For Ono Azusa in England, see, e.g., 中村尚美『小野梓』早稲田大学出版部, 1989年, pp.22-30; for Hoshi Toru see, e.g., 有泉貞夫『星亨』朝日新聞社, 1983年, pp.33-46. For an illuminating general framework for analysing Bakumatsu/early Meiji experiences of the West, see 松沢弘陽『近代日本の形成と西洋経験』岩波書店, 1993年, esp. pp.59-65. As Matsuzawa says, Baba clearly belongs to the group of non-

establishment 'marginal' intellectuals who responded to the West in the most radical way (pp.402-403).

5 'The Life', p.135; for other information on Baba's character see, e.g., 萩原, passim.

6 'The Life', p.156.

7 The writings which he published in English during his stay also underwent revision by a native speaker. See diary, e.g. 17 Sept. 1875, p.190. For an analysis of Baba's English, see ヘレン・ボールハチエット「馬場辰猪の英文」BTZⅣ, 月報, 1988年, pp.1-4.

8 On this issue, see also 萩原, pp.93-95, and his remarks in「編者あとがき」BTZⅣ, pp.560-61.

9 'The Life', p.155. For Daniell's Japanese connection, see 萩原延壽「『馬場辰猪全集』編集余録」『大久保利謙歴史著作集』第6巻付録, 吉川弘文館, 1988年, pp.5-6.

10 'The Life', p.156. For comments on the nature and standard of education there, see the *Warminster Herald and General Weekly Advertiser,* 23 Dec.1871.

11 'The Life', p.156; also *Wiltshire Independent and General Advertiser,* 16 March 1871.

12 *Warminster Herald and General Weekly Advertiser*, 4 March 1871.

13 Diary, passim.

14 Diary, 15 Feb. 1877, pp.207-208.

15 See also 萩原『馬場辰猪』, p.68.

16 For details of the debate over these reforms and the general system of legal education, see Daniel Duman, *The English and Colonial Bars in the Nineteenth Century,* London: Croom Helm, 1983, pp.78-82, esp. p.81.

17 'The Life', pp.157, 163. Baba's name does not appear in any of the surviving admissions registers of the Inns of Court.

18 2nd ed., Sweet: London, 1849; mentioned in Diary 3 Sept. 1875, pp.188-89.

19 Diary, 19 Nov. 1875, pp.196-97.

20 e.g.『法律一斑』(BTZⅠ, 岩波書店, 1987年), originally published by 慶應義塾出版社, 1879年. For Baba's role in spreading knowledge of Western law in Meiji Japan, see two articles by 小沢隆司「馬場辰猪の法学啓蒙—『商法律概論初編』を手がかりにして—」(上)『早稲田大学大学院法

研論集』第66号（1993年7月），pp.27-54 ；同（下），第67号（1993年9月），pp.55-81 and「馬場辰猪の「最終」法学講義—「メイン氏法律史」と明治義塾—」（上）『早稲田大学大学院法研論集』第70号（1994年7月），pp.103-29；同（下），第71号（1994年10月），pp.27-63.

21 Duman, pp.169-95.

22 Diary, 1 Feb. 1877, p.206; 1 Jan. 1877, p.202 and passim.

23 Diary, 17, 22 March 1877, pp.212, 213.

24 On this point, see also 萩原『馬場辰猪』, pp.56-57.

25 Diary, 17 July, 5 Aug. 1875, pp.184, 186.

26 'The Life', p.159 ; 『雄弁法』, BTZⅡ, e.g. p.415, originally published by 朝野新聞社, 1885年.

27 'The Life', p.163.

28 'The Life', pp.161-62; 159.

29 有泉, pp.44-45.

30 See Toshio Yokoyama, *Japan in the Victorian Mind: A Study of Stereotyped Images of a Nation, 1850-1880,* Basingstoke: Macmillan, 1987, passim; also anecdote related by Ono Azusa in「自伝志料」『小野梓全集』第5巻，早稲田大学大学史編集所，1982年，pp.314-315, originally published in『中央学術雑誌』第22号付録，1886年2月，and referred to in 中村，p.24.

31 For this part of his life, see John d'Entremont, *Southern Emancipator: Moncure Conway, the American Years, 1832-1865,* New York: Oxford UP, 1987.

32 Moncure D. Conway, *Autobiography: Memories and Experiences* Ⅰ, London: Cassell and Company Ltd, 1904, p.362; Ⅱ, p.319.

33 Conway Ⅱ, pp.319, 324-29; 299-301.

34 Conway Ⅱ, p.356, reprinted in BTZⅣ, 岩波書店，1988年，p.55.

35 E.g., 5 Sept., 7 Nov., 14 Nov. 1875, 1 July 1877, pp.189, 195, 196, 226; Conway Ⅱ, p.351.

36 See 川田瑞穂『片岡健吉先生伝』（復刻版）湖北社，1978年，pp.860-861 (originally published 1939), also reproduced in BTZⅣ, pp.13-14.

37 Conway Ⅱ, pp.133-5.

38 E.g. Conway Ⅰ, pp.74-75, 293; Ⅱ, p.237.

39 London: Henry S. King, 1872, esp. pp.68-75 (mentioned in Diary, 23 Aug. 1875, p.187). Conway's main point was that two chambers tended

to rival each other and that one would eventually become subordinate to the other. This would encourage irresponsible behaviour in the subordinate chamber and a division between the different constitutencies of the two. For Baba's views, see「議院ハ必ズシモ二局ヲ要セズ」BTZⅡ, pp.489-505, originally published over two issues of『国友雑誌』(1881年12月).

40 E.g. BTZⅡ, pp.137, 150, 180.

41 *Sessional Proceedings of the National Association for the Promotion of Social Science,* 1873-1876 passim. Baba was not the first Japanese to attend these meetings: see, e.g., *Sessional Proceedings* Ⅵ (23 Nov. 1871).

42 'The Life', pp.157, 158-9, 163.

43 See B. Rogers, 'The Social Science Association, 1857-1886', *The Manchester School of Economic and Social Studies* XX (Sept. 1952), pp.283-310; Lawrence Goldman, 'The Social Science Association, 1857-1886: a context for mid-Victorian Liberalism', *English Historical Review* CI (Jan. 1986), pp.95-134.

44 Goldman, esp. p.127.

45 *Transactions of the National Association for the Promotion of Social Science: Norwich Meeting, 1873,* London: Longmans, 1874, pp.181-90, 211-19, 361-93, 501-22.

46 *Transactions of the National Association for the Promotion of Social Science: Brighton Meeting, 1875*, London: Longman, 1876, pp.157-72.

47 'On the State of Consular Courts in Japan', *Transactions 1875,* p.185, reprinted in BTZⅣ, pp.25-6.

48 Diary, 17 Sept., 1 Oct. 1875, pp.190, 191; *Brighton Herald,* 9 Oct. 1875, reprinted in BTZⅣ, p.24; also 'The Life', p.163 (which does not mention Hara at all!).

49 *Transactions 1875,* pp.727-28.

50 *Transactions 1875*, pp.723-24, *Brighton Herald,* 16 Oct.1875, reprinted in BTZⅣ, p.25.

51 The Life', p.159; also see Diary, 7, 9 Oct. 1875, p.192.

52 *Sessional Proceedings,* Ⅵ (5 June 1873); Ⅶ (31 Jan. 1874), pp.71-88, 375-90; Ⅷ (25 May 1874), pp.292-99.

53 *Sessional Proceedings* Ⅸ (20 Nov. 1875), pp.1-13, 16. Baba seems to

have adopted a similar approach to the teaching of law (see 小沢「馬場辰猪の「最終」法学講義」(上), pp.117-18).

54 Diary, 8 Oct., 11 Nov. 1875, pp.192, 196; *Sessional Proceedings,* e.g. Ⅵ (1 May 1873), p.328; *Transactions 1875,* e.g. pp.211-19.

55 No.1 (Jan. 1876), p.6, No.5 (Oct.-Nov. 1876), pp.62-64, No.6 (Dec.-Jan. 1876-77), p.90; Diary, e.g. 16 March, 20 May 1877, pp.212, 220; *Sessional Proceedings,* e.g. Ⅵ (5 June 1873), p.390.

56 See *Free Sunday Advocate,* 1 May 1877.

57 Diary, esp. Nov. 1875 and March 1877, pp.195-96, 210-13; *Sessional Proceedings* Ⅶ (25 Nov. 1873); *Transactions 1875,* pp.469-70.

58 'The Life', p.157. On the influence of the Association, see also 宮村治雄「馬場辰猪における「社会」の原像」BTZⅢ, 月報, 1988年, pp.5-8.

59 'The Life', pp.157-58.

60 Diary, 19 June 1875, 21 April, 29 Sept. 1877, pp.182, 217, 233.

61 See 井上琢智「日本学生会、共存同衆イギリス社会科学振興協会」BTZⅠ, 月報, 1987年, p.2.

62 「松田周次君談話 (その二)」, 野沢雞一編『星亨とその時代』第1巻, 平凡社, 1984年, p.109; reprinted in BTZⅣ, p.11.

63 井上, p.4.

64 勝田政治「共存同衆と小野梓」, 早稲田大学大学史編集所編『小野梓の研究』早稲田大学出版部, 1986年, p.287.

65 'The Life', p.164.

66 'Objects of the Association' as given at the beginning of each issue of the *Journal of the National Indian Association*; also see Norman C. Sargant, *Mary Carpenter in India,* privately publ., 1987, pp.100-113.

67 Sargant, pp.107, 109-10. Sheldon Amos produced a revised and enlarged edition of *Commentaries on the Law of Nations* by Miss Manning's father, William Oke Manning, in 1875, and became a member of the Committee of the Association (along with his wife) in 1877.

68 Diary, 28 Feb., 2, 6, 7 March 1877, pp.209, 210.

69 See Duman, pp.10, 130-34.

70 10 July 1875, 10 Jan. 1877, pp.184, 203; see footnote, *Journal of the National Indian Association,* No.84 (Dec. 1877), p.343.

71 Diary, 17 Aug., 28 Sept. 1875, pp.187, 191.

72 See later. Also see the references to India in『文明論之概略』,『福沢諭吉選集』第4巻, 岩波書店, 1981年, pp.239-40, originally published 1875, extract reprinted in BTZⅣ, pp.23-24.

73 Duman, p.190, citing John R. McLane, *Indian Nationalism and the Early Congress,* Princeton: Princeton UP, 1977, pp.52-53, 138, 153-54.

74 See Barbara Stephen, *Emily Davies and Girton College,* London: Constable & Co., 1927, pp.69-70, 281. For Baba's views on women's education, see「本邦女子ノ有様」BTZⅠ, pp.3-6, originally published in『共存雑誌』第5号 (1875年4月).

75「スペンセル原著哲学原論」BTZⅡ, pp.175-80, originally published in『国友叢談』第1篇 (1884年1月).

76『スペンサー氏原著万物進化要論』「序」BTZⅡ, p.538, originally published in 1884, quoted in 山下重一『スペンサーと日本近代』お茶の水書房 1983, pp.72-73. For Spencer's influence on Baba, also see 西田, pp.155-56, 165-65 ; 山下, pp.71-75, 79-80.

77「メイン氏法律史」BTZⅡ, pp.195-394, originally serialized in『法学講義筆記』and『法律講義録』, 1884-1885. For an analysis of this text, and of Maine's influence on Baba's legal thinking, see 小沢,「馬場辰猪の「最終」法学講義」.

78 For the influence of the idea of evolution on Victorian theories of the development of human society, see J. W. Burrow, *Evolution and Society: A Study in Victorian Social Theory,* Cambridge: CUP, 1966 (with chapters on Maine, pp.137-78, and Spencer, pp.179-227) and Greta Jones, *Social Darwinism and English Thought: The Interaction between Biological and Social Theory,* Sussex: The Harvester Press, 1980. For Spencer's influence in Meiji Japan, see 山下 ; for China, see Benjamin Schwartz, *In Search of Wealth and Power: Yen Fu and the West,* Cambridge, Mass: Harvard UP, 1964; for the Middle East, see Adel A. Ziadat, *Western Science in the Arab World: The Impact of Darwinism, 1660-1930,* Basingstoke: Macmillan, 1986.

79「本論」BTZⅡ, pp.9-58, originally serialized in『自由新聞』1882; for the evidence for Baba's authorship and other background information, see「解題」BTZⅡ, pp.573-76.

80 See 松沢弘陽「天賦人権論争覚え書」, 家永三郎教授東京教育大学退官記念論集刊行委員会編『近代日本の国家と思想』三省堂, pp.166-67.

81 For the Western intellectual background to this, see, e.g., Burrow, passim; also see the very interesting points raised by Matsuzawa Hiroaki in「『天賦人権論』の世界」BTZⅢ, 月報, 1988年, pp.1-5.

82 Jones, pp.14-16.

83 2nd ed., London: Henry S. King, 1873, pp.43-44, 81-83.

84「本論」, pp.9-17.

85 8th ed., London: Kegan Paul, Trench & Co.,1887, pp.65, 156-204.

86「本論」, pp.18-32. See Herbert Spencer, e.g. *First Principles,* 4th ed., London: Williams & Norgate, 1880, pp.311-18, 342-48; *The Principles of Sociology* Ⅰ, London: Williams & Norgate, 1876, pp.468-79, 505-506. Also see J. D. Y. Peel, *Herbert Spencer: the Evolution of a Sociologist,* London: Heinemann Educational, 1971.

87 Bagehot, pp.53, 57 ;「本論」, pp.32-34.

88 5th ed., London: John Murray, 1874.

89 Bagehot, e.g. pp.12-14, 22-23.

90 Maine, pp.23-24, 133-55 ;「本論」, pp.34-39. For analyses of Maine, see Burrow, pp.137-78; Alan Diamond, ed., *The Victorian Achievement of Sir Henry Maine: A Centennial Reappraisal,* Cambridge: CUP, 1991.

91「本論」, pp.37-38.

92「本論」, pp.39-42.

93 Maine, pp.169, 170 (italics in the original). Spencer was also influenced by this concept. See Peel, p.305, fn.24.

94「本論」, pp.44-48.

95 *On Labour: Its Wrongful Claims and Rightful Dues, its Actual Present and Possible Future,* London: Macmillan, 1869, pp.288-89. As the title indicates, Thornton was critical of the behaviour of unions since he believed that they tended to be over-antagonistic in their relationships with employers and non-unionists; Baba did not mention this criticism.

96「本論」, pp.53-58.

97 *First Principles,* pp.484, 510-13.

98「平均力ノ説」BTZⅠ, pp.43-46, originally published in『共存雑誌』第14号 (1879年3月).

99「内乱ノ害ハ革命家ノ過ニアラズ」BTZⅡ, pp.63-68, originally published over two issues of『自由新聞』in July 1882; see also『天賦人権論』BTZⅡ, p.88, originally serialized in『朝野新聞』, Nov.-Dec.1882.

100 E.g., *First Principles,* pp.285, 361-64.

101 pp.520-21.

102 「親化分離の二力」BTZ I, pp.79-85, originally serialized in『共存雑誌』(1879年10－11月).

103 BTZ II, pp.114-15.

104 E.g.「平均力ノ説」, pp.45-46 ;「親化分離の二力」, pp.82-84.

105 「外交論」BTZ I, pp.199-200, originally published in『嚶鳴雑誌』第26号 (1880年12月).

106 BTZ II, pp.45-48, 52.

107 BTZ I, pp.13-14, originally published London: Trubner and Co., 1873.

108 BTZ II, pp.109-110.

109 BTZ I, pp.113, 111-12, originally published London: Trubner & Co., 1875.

110 The rape occurred in April 1875 and was brought to trial in June, after Baba's return to London. It is not clear how Baba found out about the case, unless someone in Japan had been sending him newspaper cuttings. See 'The English', pp.127-28; 'The Treaty between Japan and England', BTZ I, p.138, originally published London: Trubner & Co., 1876; FO656/40 1872-80, No.6, Martin Dohmen Vice Consul, Yedo, to Sir Edmund Hornby, Shanghai, 19 June 1875; No.4, Sir Edmund Hornby, Shanghai, to Martin Dohmen, Yedo, 8 July 1875. For a painstaking analysis which agrees that the sentence was too lenient, see Richard T. Chang, *The Justice of the Western Consular Courts in Nineteenth-Century Japan,* Westport, Connecticut: Greenwood Press, 1984, pp.27-38.

111 pp.133-37.

112 'The English', pp.118-19; 'The Treaty', p.141.

113 'The English', pp.129; 'The Treaty', p.142.

114 *Lectures on International Law,* London: Steven & Sons, 1874, pp.6, 17, 49.

115 See also Baba's argument in「外交論」. Amos also criticized the principle of extraterritoriality with regard to criminal law in *Lectures,* p.133. Baba's diary entry for 8 October 1875 suggests that Amos took part in the discussion on extraterritoriality after Hara Nagamasa's

paper at the Brighton Congress (p.192).

116 Diary, 24 Sept. 1875, p.190.

117 Diary for 10 Oct. 1876 in 馬場孤蝶, pp.103-104.

118 Trubner Publication Account Books 1853-1892, Vol.5, pp.16-17, Archives of Kegan Paul, Trench, Trubner and Henry S. King, British Library. According to the publication account book, 50 copies of 'The English in Japan' were made; in March 1884 10 remained in stock. Similarly, 30 copies of 'The Treaty between England and Japan' were made, but in March 1884 25 remained in stock. However, according to Baba's diary, 600 copies of the first pamphlet were printed (20 Sept., 2 Nov. 1875, pp.190, 195), perhaps by a private agreement directly with the printer.

119 Specific responses from acquaintances are noted in Baba's diary for 2 Nov. (Voysey) and 20 Dec. (Conway) 1875, pp.195, 199 and their overall significance is interpreted in「外交論」, pp.202-203. A scrapbook of letters is mentioned in 安永岳洋「馬場辰猪」BTZⅣ, p.418, originally published in『世界之日本』第11号 (1897年1月).

120 Diary, 2 Nov. 1875, p.195. Baba Kocho is surely mistaken in suggesting that Voysey was saying 'You [Japanese] deserve [such treatment from the English because you are so uncivilised]'. See 馬場孤蝶, p.101.

121 J. T. Dexter, 'The English in Japan' BTZⅣ, pp.44-45, originally published Jan. 1876. On the possibility that Baba was disappointed at the response to his pamphlets, see also 杉山伸也「アメリカにおける馬場辰猪」『福沢諭吉年鑑』15 (1988年10月), p.113.

122 'The Treaty', pp.157-62.

123 Diary, 30 March, 23 May 1877, pp.214, 221. See also the sensitive analysis of Baba's state of mind in 萩原『馬場辰猪』, pp.68-74.

124 See 勝田, pp.300-302. Interestingly, one major reason for the demise of the Social Science Association in 1886 was that the various groups which made it up had begun to form their own separate organizations (Goldman, pp.128-129).

125 'The Life', pp.166-68.

126 'The Life', p.167; 山田昭次「明治14年～15年の自由党」, 大塚歴史学会編『東アジア近代史の研究』御茶の水書房, 1967年, pp.145-46 (cited in 有泉,

p.65). For evidence of the intellectual tensions caused by differing levels of Western experience, see also 松沢『近代日本の形成と西洋経験』, pp.61-64.

127 See 杉山.

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