

中英雙語
偉大思想系列
Penguin Great Ideas

社會契約論

The Social Contract

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“偉大思想系列”中文版序

企鵝“偉大思想系列”2004年開始出版。美國出版的叢書規模略小，德國的同類叢書規模更小一些。叢書銷量已遠遠超過200萬冊，在全球很多人中間，尤其是學生當中，普及了哲學和政治學。中文版“偉大思想系列”的推出，邁出了新的一步，令人歡欣鼓舞。

推出這套叢書的目的是讓讀者再次與一些偉大的非小說類經典著作面對面地交流。太長時間以來，確定版本依據這樣一個假設——讀者在教室裏學習這些著作，因此需要導讀、詳盡的註釋、參考書目等。此類版本無疑非常有用，但我想，如果能夠重建托馬斯·潘恩《常識》或約翰·羅斯金《藝術與人生》初版時的環境，重新營造更具親和力的氛圍，那也是一件有意思的事。當時，讀者除了原作者及其自身的理性思考外沒有其他參照。

這樣做有一定的缺點：每個作者的話難免有難解或不可解之處，一些重要的背景知識會缺失。例如，讀者對亨利·梭羅創作時的情況毫無頭緒，也不了解該書的接受情況及影響。不過，這樣做的優點也很明顯。最突出的優點是，作者的初衷又一次變得重要起來——托馬斯·潘恩的憤怒、查爾斯·達爾文的靈光、塞內加的隱逸。這些作家在那麼多國家

影響了那麼多人的生活，其影響不可估量，有的長達幾個世紀，讀他們書的樂趣罕有匹敵。沒有亞當·斯密或阿圖爾·叔本華，難以想像我們今天的世界。這些小書的創作年代已很久遠，但其中的話已徹底改變了我們的政治學、經濟學、智力生活、社會規劃和宗教信仰。

“偉大思想系列”一直求新求變。地區不同，收錄的作家也不同。在中國或美國，一些作家更受歡迎。英國“偉大思想系列”收錄的一些作家在其他地方則默默無聞。稱其為“偉大思想”，我們亦慎之又慎。思想之偉大，在於其影響之深遠，而不意味着這些思想是“好”的，實際上一些書可列入“壞”思想之列。叢書中很多作家受到同一叢書其他作家的很大影響，例如，馬塞爾·普魯斯特承認受約翰·羅斯金影響很大，米歇爾·德·蒙田也承認深受塞內加影響，但其他作家彼此憎恨，如果發現他們被收入同一叢書，一定會氣憤難平。不過，讀者可自行決定這些思想是否合理。我們衷心希望，您能在閱讀這些傑作中得到樂趣。

“偉大思想系列”出版人

西蒙·溫德爾

Introduction to the Chinese Editions of Great Ideas

Penguin's Great Ideas series began publication in 2004. A somewhat smaller list is published in the USA and a related, even smaller series in Germany. The books have sold now well over two million copies and have popularized philosophy and politics for many people around the world – particularly students. The launch of a Chinese Great Ideas series is an extremely exciting new development.

The intention behind the series was to allow readers to be once more face to face with some of the great nonfiction classics. For too long the editions of these books were created on the assumption that you were studying them in the classroom and that the student needed an introduction, extensive notes, a bibliography and so on. While this sort of edition is of course extremely useful, I thought it would be interesting to recreate a more intimate feeling – to recreate the atmosphere in which, for example, Thomas Paine's *Common Sense* or John Ruskin's *On Art and Life* was first published – where the reader has no other guide than the original author and his or her own common sense.

This method has its severe disadvantages – there will inevitably be statements made by each author which are either hard or impossible to understand, some important context might be missing. For example the reader has no clue as to the conditions under which Henry Thoreau was writing his book and the reader cannot be aware

of the book's reception or influence. The advantages however are very clear – most importantly the original intentions of the author become once more important. The sense of anger in Thomas Paine, of intellectual excitement in Charles Darwin, of resignation in Seneca – few things can be more thrilling than to read writers who have had such immeasurable influence on so many lives, sometimes for centuries, in many different countries. Our world would not make sense without Adam Smith or Arthur Schopenhauer – our politics, economics, intellectual lives, social planning, religious beliefs have all been fundamentally changed by the words in these little books, first written down long ago.

The Great Ideas series continues to change and evolve. In different parts of the world different writers would be included. In China or in the United States there are some writers who are liked much more than others. In the UK there are writers in the Great Ideas series who are ignored elsewhere. We have also been very careful to call the series Great Ideas – these ideas are great because they have been so enormously influential, but this does not mean that they are Good Ideas – indeed some of the books would probably qualify as Bad Ideas. Many of the writers in the series have been massively influenced by others in the series – for example Marcel Proust owed so much to John Ruskin, Michel de Montaigne to Seneca. But others hated each other and would be distressed to find themselves together in the same series! But readers can decide the validity of these ideas for themselves. We very much hope that you enjoy these remarkable books.

Simon Winder
Publisher Great Ideas

目 錄

第一卷 / 1

第二卷 / 25

第三卷 / 60

第四卷 / 113

第一卷



我寫本文的意圖是想思考，從人的現實情況與法律的可能情況來看，是否在政治社會中會存在甚麼合法又明確的政權法則。為探究這一目的，我必須始終努力將權利容許甚麼與利益規定甚麼結合起來，以便使公正性與實用性毫無分歧。

我一開始並不試圖證明主題的重要性。或許人們會問，我是一位君主還是一名草擬政綱的立法者。我要回答：都不是。實際上，這正是我要討論政治的理由。我若是一位君主或是一名立法者，就不應該在談論本該做甚麼的問題上浪費時間，而應該當好我的君主或立法者，否則就保持沉默。

既然我生來是一個自由國家的公民，是主權國家的一員，無論我的呼聲對公共事務的影響多麼微弱，我擁有的選舉權賦予我研究公共事務的責任。無論何時，細想到各種政權，我就會很高興地發現，我的研究總能給予我新奇的理由，以此來讚美我自己國家的政權。

第一章 第一卷的主題

人生來是自由的，卻無處不受枷鎖的束縛。那些自認為可以主宰他人的人，實際上更成為他人的奴隸。這種從主人到奴隸的角色轉換是如何發生的呢？我不得而知。我們又如何能夠使這種轉換合法化呢？我相信這個問題我能夠解答。

如果我只是考慮強權以及強權的種種後果，我會說：“只要一個人被迫順從他人，並且順從了，那麼這個人做得對；但是，一旦他能夠掙脫枷鎖，並且掙脫了，那麼他做得更對；既然一個人以與被剝奪自由一樣的權利重新獲得自由，那麼他恢復自由的理由就是正當的，而剝奪其自由的理由就是不正當的。”然而，社會秩序是一種神聖的權利，為其他所有權利提供了基礎。同時，由於它不是一種自然而然的權利，它必然建立在各種契約的基礎之上。問題是要確定那些契約都是甚麼。可是，在切入這個問題之前，我必須對迄今為止我所談的東西加以證實。

第二章 論原始社會

在所有社會中，最古老的、唯一自然的社會是家庭；然而，只要孩子們為了自身的生存需要父親時，他們就仍然本能地倚賴於父親。一沒有了這種需要，父子關係就此了結。一旦孩子從對父親的順從中解脫出來，一旦父親從

對孩子的負擔中解脫出來，雙方都一樣重新獲得獨立。假如他們繼續保持父子關係解除的狀態，那麼，這種情況就不再是一種自然的狀態，而是他們自己的選擇，這種選擇解除了父子關係；而家庭本身只是依照契約得以維持。

這種共有的自由是人性的一種產物。人類的首要法則是維護自身的生存；人的首要關懷是對自己應有的關懷。而人一旦到了具有推理能力的年齡，可以自行判斷保存自我的最佳手段，也就成了自己的主人。

因此，家庭或許可以視為政治社會的第一個模式：國家領袖是父親的影子，人民就是孩子的影子，而所有生來自由平等的人，只有當他們在放棄自己的自由中看到好處時，才會放棄其自由。唯一不同的是，在家庭中，父親對孩子的愛從他給予他們的關心中得到回報，而在一個統治者對其臣民沒有如此感情的國家裏，統治者對發號施令的樂趣必然取代其對臣子臣民的愛。

格老秀斯否認，一切人類政府都是為了被統治者的利益而建立的，並且引用了奴隸制的例子。他別具一格的推理方法總是提供事實以作為對權利的佐證。¹ 要想像出一個更合乎邏輯而非更有利於專制君主的方法，這是有可能的。

1 “對公法的學術研究往往只是古人濫用權力的歷史；對其進行過細的研究，會使人誤入歧途、平添煩惱。”見阿冉松侯爵的《論法國與其鄰國關係的利益》。

因而，按格老秀斯的說法，是人類屬於 100 個人，還是這 100 個人附屬於人類，這是難以預測的，儘管在整本書中他似乎更傾向於這個觀點的前半句，霍布斯也持這一觀點。這些作者向我們表明，人類就像被分成各種類別的牛羣，每一支牛羣都有一個首領，首領保護牛羣只是想吃掉牠們。

正如牧羊人的品性優於羊羣的品性一樣，那些人類的牧羊人——他們的統治者——的品性也優於公民的品性。大概是菲羅告訴過我們，卡里古拉皇帝曾十分合情合理地做過同樣的類推，並得出這樣的結論：國王都是神明，或者說，公民都是畜牲。

卡里古拉的推理與霍布斯以及格老秀斯的推理相吻合。的確，亞里士多德在他們之前就曾說過，既然一些人生來是奴隸，而一些人生來是主人，那麼，人實際上根本不是生而平等。

亞里士多德是對的，可他把結果誤認為原因。任何在奴隸制下出生的人都是為奴隸制而生——這話說得再貼切不過了。受約束的奴隸失去了一切，甚至也失去了對自由的渴望。他們熱衷於奴役，甚至就像尤利西斯的夥伴們熱衷於禽獸一般的生活。² 但是，如果說有天生的奴隸，那只是因為有違背天性的奴隸制。強權造就了第一批奴隸；

2 見普魯塔克的一篇題為〈動物應用理性〉的短論文。

而他們的懦弱又使得奴隸制永世長存。

我不曾談論過亞當國王或諾亞皇帝，他們是瓜分世界的三大君主之父，儘管有人以為在他們身上也能看出像薩士林兒子那樣的行為。一些作者認為，諾亞的事與農神的事如出一轍。我希望讀者會對這種謙遜的態度心存感激，因為既然我是那些或許排行老大的君主之一的直系，我怎會知道：假設那些行為受到制止的話，我可能不會發覺自己是人類合法的國王呢？不管情形會怎樣，也不能否認亞當是人類的鼻祖，就像魯濱遜是荒島的主人一樣——正因為他是島上唯一的居民；而這樣一個帝國的巨大優勢在於，君主建議安享王位寶座，沒有必要擔心叛亂、戰爭和陰謀篡權。

第三章 論最強者的權利

最強者決非強大到足以自始至終做主人，除非他能將勢力轉化為權利，將順從轉化為義務。因此，“最強者的權利”——聽起來像是那麼一回事的“權利”有種諷刺的意味，實際上已作為一種原理確定下來。但是，我們不需要讓人解釋一下這句短語嗎？強力不過是一種物理力量；我不明白，強權的影響能夠產生甚麼樣的道德。屈服於強權是一種必要的行為，而不是一種意志的行為；它充其量只是一種謹慎的行為。在何種意義上它才算是一種道德義

務呢？

我們不妨假設，這種所謂的權利是存在的。我認為，這種權利只能產生一套使人迷惑的胡言亂語，因為一旦強力變成權利，因果關係便會倒置，而每一種強力都能征服另一種強力，那麼前者繼承了屬於被征服者的權利。要是人們不服從又不會受到懲罰，其不服從的行為就變得合法了；既然最強者始終是對的，那麼唯一的問題就是如何成為最強者。可是，一種權利會毀滅其所依附的強力，這種權利的效力會是甚麼樣的呢？假設強力驅使人們服從，那就沒有必要請求服從的義務，而假設強力不驅使人們服從，那就再也不存在任何的義務。因而，“權利”一詞在所述中並沒有牽強附會甚麼的意思；它在此毫無意義。

“服從那些掌握權力的人”如果這意味着“屈服於強力”的話，這條箴言是合理的，可它卻是多餘的；我想它決不會遭到違反。我承認一切權力都來自神；可每種疾病也是神的旨意，卻沒人阻止我們請醫生看病。如果我在森林邊上被一個強盜搶劫的話，強盜的勒索迫使我交出錢包。可假如我能以某種方式設法保住錢包而不讓強盜搶走，那我從良心上依然得被迫交出錢包嗎？畢竟，強盜手中的手槍無疑代表着一種權力。

那麼，確實必須承認的是，強力並不構成權利，而人們對合法的權力才有服從的義務。因而，我們常常回到我初始的問題上。

Contents

Book I / 161

Book II / 184

Book III / 220

Book IV / 274

Book I

My purpose is to consider if, in political society, there can be any legitimate and sure principle of government, taking men as they are and laws as they might be. In this inquiry I shall try always to bring together what right permits with what interest prescribes so that justice and utility are in no way divided.

I start without seeking to prove the importance of my subject. I may be asked whether I am a prince or a legislator that I should be writing about politics. I answer no: and indeed that that is my reason for doing so. If I were a prince or a legislator I should not waste my time saying what ought to be done; I should do it or keep silent.

Born as I was the citizen of a free state and a member of its sovereign body, the very right to vote imposes on me the duty to instruct myself in public affairs, however little influence my voice may have in them. And whenever I reflect upon governments, I am happy to find that my studies always give me fresh reasons for admiring that of my own country.

Chapter 1

The Subject of Book I

Man was born free, and he is everywhere in chains. Those who think themselves the masters of others are indeed greater slaves than they. How did this transformation come about? I do not know. How can it be made legitimate? That question I believe I can answer.

If I were to consider only force and the effects of force,

I should say: 'So long as a people is constrained to obey, and obeys, it does well; but as soon as it can shake off the yoke, and shakes it off, it does better; for since it regains its freedom by the same right as that which removed it, a people is either justified in taking back its freedom, or there is no justifying those who took it away.' But the social order is a sacred right which serves as a basis for all other rights. And as it is not a natural right, it must be one founded on covenants. The problem is to determine what those covenants are. But before we pass on to that question, I must substantiate what I have so far said.

Chapter 2

The First Societies

The oldest of all societies, and the only natural one, is that of the family; yet children remain tied to their father by nature only so long as they need him for their preservation. As soon as this need ends, the natural bond is dissolved. Once the children are freed from the obedience they owe their father, and the father is freed from his responsibilities towards them, both parties equally regain their independence. If they continue to remain united, it is no longer nature, but their own choice, which unites them; and the family as such is kept in being only by agreement.

This common liberty is a consequence of man's nature. Man's first law is to watch over his own preservation; his first care he owes to himself; and as soon as he reaches the age of reason, he becomes the only judge of the best means to preserve himself; he becomes his own master.

The family may therefore perhaps be seen as the first model

of political societies: the head of the state bears the image of the father, the people the image of his children, and all, being born free and equal, surrender their freedom only when they see advantage in doing so. The only difference is that in the family, a father's love for his children repays him for the care he bestows on them, while in the state, where the ruler can have no such feeling for his people, the pleasure of commanding must take the place of love.

Grotius denies that all human government is established for the benefit of the governed, and he cites the example of slavery. His characteristic method of reasoning is always to offer fact as a proof of right.¹ It is possible to imagine a more logical method, but not one more favourable to tyrants.

According to Grotius, therefore, it is doubtful whether humanity belongs to a hundred men, or whether these hundred men belong to humanity, though he seems throughout his book to lean to the first of these views, which is also that of Hobbes. These authors show us the human race divided into herds of cattle, each with a master who preserves it only in order to devour its members.

Just as a shepherd possesses a nature superior to that of his flock, so do those shepherds of men, their rulers, have a nature superior to that of their people. Or so, we are told by Philo, the Emperor Caligula argued, concluding, reasonably enough on this same analogy, that kings were gods or alternatively that the

1 'Learned researches on public law are often only the history of ancient abuses, and one is misled when one gives oneself the trouble of studying them too closely.' *Traité manuscrit des intérêts de la France avec ses voisins* by the Marquis d'Argenson.

people were animals.

The reasoning of Caligula coincides with that of Hobbes and Grotius. Indeed Aristotle, before any of them, said that men were not at all equal by nature, since some were born for slavery and others born to be masters.

Aristotle was right; but he mistook the effect for the cause. Anyone born in slavery is born for slavery – nothing is more certain. Slaves, in their bondage, lose everything, even the desire to be free. They love their servitude even as the companions of Ulysses loved their life as brutes.² But if there are slaves by nature, it is only because there has been slavery against nature. Force made the first slaves; and their cowardice perpetuates their slavery.

I have said nothing of the King Adam or of the Emperor Noah, father of the three great monarchs who shared out the universe between them, like the children of Saturn, with whom some authors have identified them. I hope my readers will be grateful for this moderation, for since I am directly descended from one of those princes, and perhaps in the eldest line, how do I know that if the deeds were checked, I might not find myself the legitimate king of the human race? However that may be, there is no gainsaying that Adam was the king of the world, as was Robinson Crusoe of his island, precisely because he was the sole inhabitant; and the great advantage of such an empire was that the monarch, secure upon his throne, had no occasion to fear rebellions, wars or conspirators.

2 See a short treatise of Plutarch entitled: *That Animals use Reason*.

Chapter 3

The Right of the Strongest

The strongest man is never strong enough to be master all the time, unless he transforms force into right and obedience into duty. Hence ‘the right of the strongest’ – a ‘right’ that sounds like something intended ironically, but is actually laid down as a principle. But shall we never have this phrase explained? Force is a physical power; I do not see how its effects could produce morality. To yield to force is an act of necessity, not of will; it is at best an act of prudence. In what sense can it be a moral duty?

Let us grant, for a moment, that this so-called right exists. I suggest it can only produce a tissue of bewildering nonsense; for once might is made to be right, cause and effect are reversed, and every force which overcomes another force inherits the right which belonged to the vanquished. As soon as man can disobey with impunity, his disobedience becomes legitimate; and as the strongest is always right, the only problem is how to become the strongest. But what can be the validity of a right which perishes with the force on which it rests? If force compels obedience, there is no need to invoke a duty to obey, and if force ceases to compel obedience, there is no longer any obligation. Thus the word ‘right’ adds nothing to what is said by ‘force’; it is meaningless.

‘Obey those in power.’ If this means ‘yield to force’ the precept is sound, but superfluous; it will never, I suggest, be violated. All power comes from God, I agree; but so does every disease, and no one forbids us to summon a physician. If I am held up by a robber at the edge of a wood, force compels me

to hand over my purse. But if I could somehow contrive to keep the purse from him, would I still be obliged in conscience to surrender it? After all, the pistol in the robber's hand is undoubtedly a *power*.

Surely it must be admitted, then, that might does not make right, and that the duty of obedience is owed only to legitimate powers. Thus we are constantly led back to my original question.

Chapter 4

Slavery

Since no man has any natural authority over his fellows, and since force alone bestows no right, all legitimate authority among men must be based on covenants.

Grotius says: 'If an individual can alienate his freedom and become the slave of a master, why may not a whole people alienate its freedom and become the subject of a king?' In this remark there are several ambiguous words which call for explanation; but let us confine ourselves to one – to 'alienate'. To alienate is to give or sell. A man who becomes the slave of another does not give himself, he sells himself in return for at least a subsistence. But in return for what could a whole people be said to sell itself? A king, far from nourishing his subjects, draws his nourishment from them; and kings, according to Rabelais, need more than a little nourishment. Do subjects, then, give their persons to the king on condition that he will accept their property as well? If so, I fail to see what they have left to preserve.

It will be said that a despot gives his subjects the assurance of civil tranquillity. Very well, but what does it profit them, if