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**THE SOCIAL CONTRACT**  
OR  
**PRINCIPLES OF POLITICAL RIGHT**

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民 約 論

THE SOCIAL CONTRACT

## 編者導言

盧梭是於一千七百十二年六月二十八日生在瑞士的日內瓦。他的祖宗本來是法國人，在中世紀宗教戰爭時候搬到瑞士去的。他從下地時候起他母親就死了，他父親又是一個貧窮的流氓，也早就與他分離。盧梭就飄來飄去，漂泊了一世。為維持生活起見，他從小時起曾經學過各種各樣的行業，可是沒有一種行業他能學得成的。這也許是因為他有一種流蕩的天性，所以對於一切固定的行業，都是受不了的。他曾經在一個律師處學過法律，在一個雕刻匠處做過學徒，以後又變做女太太們的僕從，音樂教員，家庭教師，詩人，音樂著作家，戲曲家，音樂批評家，小說家，威尼斯法國使館的祕書，等到後來他名望最大的時期，又是各貴族家庭所最歡迎的上客。

他過了一世的漂泊生活，從小既沒有受過教育，又沒有經過父母的撫養，所以他成人以後的性格就異乎尋常，差不多變為一個怪人。凡人性中最高尚的，最好的，最下流的，與最壞的性格，他一個人同時都兼有了。他年少時候對於男女關係方面是最混雜不堪的。他當家庭教師時候，偷了主人的東西，就把竊賊的名義推在一個無知的下女身上。他做了一個比他大上十幾歲年紀婦女的情人，結果受到種種的侮辱。他為了另一個情人，改了他的宗教，變為舊教徒，以後却又改變宗旨，重做新教徒。他與一個最沒有智識的最糟的旅館下女結了婚，一世受累無窮。他的五個私生子

都送入孤兒院。他對於至交朋友往往忘恩負義，什麼事情都做得出，所有他的親親戚戚都受過他無窮的累。

講到盧梭這樣一個人，假使我們不知道他的精神病，我們是決不能懂得他種種自相矛盾的性質。總而言之，他的一生一世差不多永遠沒有脫離過孩兒氣，那時候的婦女也往往把他作為一個小孩子看待的。他生性是最愛一種簡單的自然生活，但在事實上却終日與一般荒淫無度的上等階級混在一起，這種情形更使他言行不一致自相矛盾的特質表露出來。可是到了他成年以後，他性質方面較高尙較理想的一部份，確能逐漸戰勝那壞的一部份，他自己也能明白他所處地位的危險。到了他良心發現時候，他精神上是覺得非常痛苦，他並且屢次想尋覓他所丟棄的幾個孩子。

還有一層，他在政治上所受到的經驗也非常痛苦，所以更增加了他的神經病，使他做出種種自相矛盾的事情。自從他的著作出名以後，他就受到各方面的攻擊，使他在歐洲大陸差不多沒有立腳的地方。他從法國逃到瑞士，再從瑞士逃回法國。瑞士的柏恩(Bern)驅逐他出城，一個小村的無智鄉民差一些拿石子來擲他。還有那時候的學者，特別是伏爾泰(Voltaire)也非常仇視他，處處與他為難，使他一世不舒服。在一千七百六十六年，英國哲學家休謨(Hume)請他到英國享受那邊貴族團體的優待。他住了不久時候，Voltaist就把他著作中所有攻擊英國人的言論收集起來，印出一本小冊子，使他不得不離開英國。到了他老年時候，他決意過幾年安穩的清靜生活，往往在音樂與植物學之中尋樂趣。他在一個貴族家裏做客人時候，他就死了，當時一

般人的意思都以爲他是自殺的，但以後把他的屍身搬到巴黎查驗時證明這是不確的。可是他一世不得意的憂愁生活確是催他早死的一個原因。

盧梭一生的轉機是在一千七百五十年，當時他做了一篇文章，得到第戎(Dijon)大學區的獎金。這一篇文章的題目是：美術與科學究竟是否使人民禮貌改善或變壞？盧梭的答案是反對美術的。可是這其中也有一段歷史，又可以證明他的容易受刺激，容易被感動。當時盧梭與他的朋友狄德羅(Diderot)討論他那篇文章的初稿時候，他的朋友笑他的議論平常，與普通一般庸凡的著作家有同一的見解，所以勸他改變宗旨，大大的攻擊文化一下，把社會上一切的腐敗都歸咎於美術與科學。盧梭對於這樣的提議就沒有抵抗的能力。他就因之而得到獎金，也就因之而得名。從此以後，他就丟開音樂與詩，專心於政治與社會哲學了。在一千七百五十四年，他寫了一本著名的人類間不平等的來源及其根據。三年以後，在百科全書中寫了一篇『政治經濟』。在一千七百六十二年，閔動世界的民約論出版了。

盧梭本想把社會哲學整個的寫出來，可是這樣有系統的整個計畫與他本人的性格脾氣完全不能相容的。他的社會與政治思想，當然受到古代學者與當時法國學者的影響，但他所最注意的却是社會不平等在道德方面的種種問題。自然世界的簡單的有規則的孤獨生活，自然世界的獨立的快樂的人民，變成他思想的中心點。他以爲古代人民生活的特質是道德方面的清潔與簡單，他很想把這種情形重行介紹到現代社會中。

依照盧梭的觀念，祇有人民主權能使社會向公共福利這條路上跑，他的全部政治與社會哲學祇集中於一個問題，就想使人民主權得到一個實質的憲法上的根據。他的著名學理——與多數人民意志相反的公共意志——是很深奧的，是很可以提醒我們的。雖則他沒有充分的說明這個學理，他的用意確是想尋出一種根本原則，使平等的人民能在社會中達到和衷共濟的可能。在現今時代，所謂社會公共福利，差不多是等於廢話，人人擡出『人民』『社會』等名詞來做達到他們自私自利目的的捷徑，盧梭的種種觀念，——如公共意志與多數人民意志的區別；主權不能委託於人，就是代議式的立法機關也不能受到全權委託；人民對於一切重要問題，必須直接表示意志，——在學理方面與在事實方面都變為極重要的問題了。現今的政治局面是充滿了改造政治的空氣，如職業代表制度，經濟會議計畫，可是沒有改變人民對於公共事務的觀念，這種種改造政治問題是決不能滿意解決的。同時其他種種政治改組問題，如以複決制與創議制推廣人民的直接立法權，地方分權制度，經濟合作計畫，文化自決主義，行政劃區問題等類，其最重要的學理上的根據，都可以從這位日內瓦公民的政治哲學中尋得出來的。

但在政治分析一方面，盧梭的著作有很多不滿意的地方，這不單是從現今複雜的資本主義的社會着想，就是從他那時候的社會說，也不能使人滿意。他雖則完全覺着階級專政與政黨政治的危險，他雖則很明白階級爭鬭的要點，他雖則很能看出那種所謂民衆的民治主義的趨勢，是從根本

上推翻公共意志的特點，他却並沒有指導我們一種確實的方法，能使我們避免這種種危險。再從反面說，公共意志有了無限制的權力，也就能變成一種新式的專制制度，較之從前君主專制或貴族專制，是不相上下的，這就叫做暴民專政。這一層盧梭却並沒有十分注意。因有這種種情形，他的政治哲學的中心點，他的公共意志觀念，差不多是很深奧不可推測的，無怪他自己也說，一種好的憲法是一種理想，並不是在實際的政治上可能的。

但盧梭對於政治與社會學理方面的貢獻，確是很大的。他對於那隱伏於憲法問題之下的經濟與社會問題，比之無論誰何都看得透切，這個問題就是他所謂不平等。講到這一層，我們就要聯想到社會主義問題了。盧梭既經用了全副精力攻擊那從財產制度所發生的腐敗影響，攻擊那違反民主主義的近代文化，他是否能算一個社會主義者。假使我們把社會主義作為一種公有財產與共產生產制度，那末，盧梭是沒有做社會主義者資格，因為他是完全反對這樣的制度的。假使我們把社會主義看做一種社會公義這條路上跑的一種努力，同時想打倒一切的腐敗制度，推翻那種不勞而獲的利益，那末，盧梭可以算是一個忠實的社會主義者。

在倫理學說方面——無論是私人倫理或社會倫理觀念——盧梭的地位也是很重要的。他用了全副精神，提出幾種最低限度的原則，沒有實行這種原則，社會互助的精神是決不能實現的。『人民是自由的，』『所有人民是平等的，』『沒有人是為滿足他自己的幸福起見，去雇用別人的，』『國

家是人民的，也是爲人民而設的，』這種種原則，我們現在讀了，還覺得有聲有色，無怪當時能使十八世紀的法國社會與政治哲學發生一種大革命。有了這思想方面的革命，政治革命祇是一個時間問題而已。盧梭深信祇有根本改變人民的天性後，才能改造一個舊國家。從這方面說來，他又很像現在俄國的布爾塞維克主義者了。

總而言之，歐洲自從宗教改革後，盧梭的勢力，盧梭的影響較之無論誰何都大；與他後來的一般世界著名思想家比起來，也祇有馬克思能比得上他。從精神方面着想，大家都一致承認盧梭是法國革命的老祖宗。他的著作特別是民約論，是推翻法國專制皇帝與封建制度最利害的武器。

張慰慈

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## INTRODUCTION

I wish to enquire<sup>1</sup> whether, taking men as they are and laws as they can be made, it is possible to establish some just and certain rule of administration<sup>2</sup> in civil affairs.<sup>3</sup> In this investigation<sup>4</sup> I shall always strive<sup>5</sup> to reconcile<sup>6</sup> what right permits with what interest prescribes, so that justice and utility<sup>7</sup> may not be served.

I enter upon this enquiry without demonstrating the importance of my subject. I shall be asked whether I am a prince or a legislator that I write on politics. I reply that I am not; and that it is for this very reason that I write on politics. If I were a prince or a legislator, I should not waste my time in saying what ought to be done; I should do it or remain silent.

Having been born a citizen of a free State,<sup>8</sup> and a member of the sovereign body, however feeble an influence my voice may have in public affairs, the right to vote upon them is sufficient to impose on me the duty of informing myself about them; and I feel happy whenever I meditate on governments, always to discover in my researches new reasons for loving that of my own country.

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1. 詢問. 2. 行政的規則. 3. 社會事務. 4. 研究. 5. 奮力. 6. 調和.  
7. 實利. 8. 瑞士日內瓦共和國 (Geneva).

## CHAPTER I

### SUBJECT OF THE FIRST BOOK

Man is born free, and everywhere he is in chains. Many a one believes himself the master of others, and yet he is a greater slave than they. How has this change come about? I do not know. What can render<sup>1</sup> it legitimate?<sup>2</sup> I believe that I can settle<sup>3</sup> this question.

If I considered only force and the results that proceed<sup>4</sup> from it, I should say that so long as a people is compelled<sup>5</sup> to obey and does obey it does well; but that, so soon as it can shake off the yoke<sup>6</sup> and does shake it off, it does better; for, if men recover their freedom by virtue of the same right by which it was taken away, either they are justified in resuming it, or there was no justification for depriving them of it. But the social order<sup>7</sup> is a sacred<sup>8</sup> right which serves as a foundation for all others. This right however, does not come from nature. It is therefore based on conventions.<sup>9</sup> The question is to know what these conventions are. Before coming to that, I must establish what I have just laid down.

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1. 致使 2. 合法的. 3. 解決. 4. 由於. 5. 強迫. 6. 束縛. 7. 社會秩序. 8. 神聖的. 9. 契約.

## CHAPTER II

### PRIMITIVE SOCIETIES

The earliest of all societies, and the only natural one, is the family; yet children remain attached to their father only so long as they have need of him for their own preservation.<sup>1</sup> As soon as this need ceases, the natural bond<sup>2</sup> is dissolved.<sup>3</sup> The children being freed from the obedience which they owed to their father, and the father from the cares which he owed to his children, become equally independent. If they remain united, it is no longer naturally but voluntarily;<sup>4</sup> and the family itself is kept together only by convention.

This common liberty is a consequence of man's nature. His first law is to attend to his own preservation, his first cares are those which he owes to himself; and as soon as he comes to years of discretion,<sup>5</sup> being sole<sup>6</sup> judge of the means adapted for his own preservation, he becomes his own master.

The family is, then, if you will, the primitive model<sup>7</sup> of political societies; the chief is the analogue<sup>8</sup> of the father, while the people represent the children; and all, being born free and equal, alienate<sup>9</sup> their liberty only for their own advantage. The whole difference is that, in the family, the father's love for his children repays him for the care that he bestows upon them; while, in the State, the pleasure of ruling makes up for the chief's lack of love for his people.

Grotius<sup>10</sup> denies that all human authority<sup>11</sup> is established for the benefit of the governed, and he cites

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1. 保持. 2. 天然的結合. 3. 分解. 4. 自願的. 5. 有判斷能力之時期.  
6. 唯一的. 7. 模型. 8. 類似. 9. 讓去. 10. 荷蘭人(生, 1582; 死, 1645), 國際公法的老祖宗. 11. 權力.

slavery as an instance. His invariable<sup>1</sup> mode of reasoning is to establish right by fact. A juster method might be employed, but none more favorable to tyrants.<sup>2</sup>

It is doubtful, then, according to Grotius, whether the human race belongs to a hundred men, or whether these hundred men belong to the human race; and he appears throughout his book to incline to the former opinion, which is also that of Hobbes.<sup>3</sup> In this way we have mankind divided like herds<sup>4</sup> of cattle, each of which has a master, who looks after it in order to devour<sup>5</sup> it.

Just as a herdsman is superior in nature to his herd, so chiefs, who are the herdsman of men, are superior in nature to their people. Thus, according to Philo's<sup>6</sup> account, the Emperor Caligula<sup>7</sup> reasoned, inferring truly enough from this analogy that kings are gods, or that men are brutes.

The reasoning of Caligula is tantamount<sup>8</sup> to that of Hobbes and Grotius. Aristotle,<sup>9</sup> before them all, had likewise said that men are not naturally equal, but that some are born for slavery and others for dominion.<sup>10</sup>

Aristotle was right, but he mistook the effect for the cause. Every man born in slavery is born for slavery; nothing is more certain. Slaves lose everything in their bonds, even the desire to escape from them. If, then, there are slaves by nature, it is because there have been slaves contrary to nature. The first slaves were made such by force; their cowardice kept them in bondage.

1. 不更改的。 2. 暴君。 3. 英國人 (生, 1588; 死, 1679), 主張專制政體的政治哲學家。 4. 一羣牲口。 5. 吞滅。 6. Greco-Judaic 哲學的主要代表。 7. 羅馬皇帝 (生, 12; 死, 41)。 8. 同樣的。 9. 希臘哲學家 (生, 384 B. C.; 死, 322 B. C.)。 10. 統治。

## CHAPTER III

### THE RIGHT OF THE STRONGEST

The strongest man is never strong enough to be always master, unless he transforms<sup>1</sup> his power into right, and obedience into duty. Hence the right of the strongest—a right apparently assumed in irony,<sup>2</sup> and really established in principle. But will this phrase never be explained to us? Force is a physical power; I do not see what morality can result from its effects. To yield to force is an act of necessity, not of will; it is at most an act of prudence.<sup>3</sup> In what sense can it be a duty?

Let us assume for a moment this pretended<sup>4</sup> right. I say that nothing results from it but inexplicable<sup>5</sup> nonsense; for if force constitutes right, the effect changes with the cause, and any force which overcomes the first succeeds to its rights. As soon as men can disobey with impunity,<sup>6</sup> they may do so legitimately; and since the strongest is always in the right, the only thing is to act in such a way that one may be the strongest. But what sort of a right is it that perishes when force ceases? If it is necessary to obey by compulsion,<sup>7</sup> there is no need to obey from duty; and if men are no longer forced to obey, obligation is at an end. We see, then, that this word *right* adds nothing to force; it here means nothing at all.

Obeys the powers that be. If that means, Yield<sup>8</sup> to force, the precept<sup>9</sup> is good but superfluous;<sup>10</sup> I reply that it will never be violated. All power comes from God, I admit; but every disease comes from him too;

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1. 改變. 2. 僞託. 3. 深慮. 4. 假冒. 5. 不可解的. 6. 無傷. 7. 強迫. 8. 服從. 9. 教訓. 10. 多餘的.

does it follow that we are prohibited from calling in a physician?<sup>1</sup> If a brigand<sup>2</sup> should surprise me in the recesses<sup>3</sup> of a wood, am I bound not only to give up my purse when forced, but am I also morally bound to do so when I might conceal it? For, in effect, the pistol which he holds is a superior force.

Let us agree, then, that might does not make right, and that we are bound to obey none but lawful authorities. Thus my original question ever recurs.<sup>4</sup>

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1. 醫生. 2. 強盜. 3. 隱處. 4. 重復發現.

## CHAPTER IV

### SLAVERY

Since no man has any natural authority over his fellow men, and since force is not the source of right, conventions remain as the basis of all lawful authority among men.

If an individual, says Grotius, can alienate his liberty and become the slave of a master, why should not a whole people be able to alienate theirs, and become subject to a king? In this there are many equivocal<sup>1</sup> terms requiring explanation; but let us confine ourselves to the word *alienate*. To alienate is to give or sell. Now, a man who becomes another's slave does not give himself; he sells himself at the very least for his subsistence.<sup>2</sup> But why does a nation sell itself? So far from a king supplying his subjects with their subsistence, he draws his from them; and, according to Rabelais,<sup>3</sup> a king does not live on a little. Do subjects, then, give up their persons on condition that their property also shall be taken? I do not see what is left for them to keep.

To say that a man gives himself for nothing is to say what is absurd and inconceivable;<sup>4</sup> such an act is illegitimate and invalid,<sup>5</sup> for the simple reason that he who performs it is not in his right mind. To say the same thing of a whole nation is to suppose a nation of fools; and madness does not confer rights.

Even if each person could alienate himself, he could not alienate his children; they are born free men; their liberty belongs to them, and no one has a right to

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1. 含糊的. 2. 生存. 3. 法國的哲學家(生, 1495? 死, 1553?). 4. 不可思議的. 5. 無效.