

大学专业英语系列教材

西方法学 经典名著选读

ENGLISH

张小平 选编/导读



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序 言

一

我们称最重要的、有指导作用的权威著作为经典。经典之价值，在于传承重要的思想。如果以长周期的视角来观察历史，我们会发现，有许多重要的思想恒久地影响着人们的思维方式，制约着人们的行为模式，形塑着人类的制度构造，进而在历史进程中持续发挥作用。因之历史学家黄仁宇指出：

“从长时间远视界条件下纵观历史，无从全部客观，必配有主观成份。亦即信仰的因素不能摒除。”^①

二

今日法学之所以呈现此种面貌而非其他，根源乃在于过去漫长历史中人类观念的层累演化与制度的创新性尝试。“法非从天下，非从地出，发于人间，合乎人心而已。”^②法律是人类心智的构造物。因此可以毫不怀疑地指出，法学的历史是由一系列伟大思想家的名字所构成的。先贤所经历的探索历程，对我们后人而言，仍有着难以逾越的高度和穿越时空的价值。以至于在今天我们再回溯这些法学的经典，依旧能够感受其中的夺目光华，体验到内心的深刻震撼，令我们仰之如泰山北斗，敬畏如灿烂星空。哲人其萎，然而他们的道德情怀、精微智慧和对人类前途的深深关注，依然从历史深处传出，闪耀着震古烁今的光辉。

法国政治活动家、思想家德·托克维尔尝云：

“有多少道德体系 and 政治体系经历了被发现、被忘却、被重新发现、被再次忘却、过了不久又被发现这一连续过程，而每一次被发现都给世界带来魄力和惊奇，好像它们是全新的，充满了智慧。之所以如此，并不是由于人类精神的多产，而是由于人类的无知，这种情况简直令人难以置信。”

因此我们不应忘记的是，许多以现代面目出现的思想体系常常不过是古老主题的

^① 黄仁宇：《近代西方政治哲学与经济思想之大势所趋》，载黄仁宇：《放宽历史的视界》，283页，北京，中国社会科学出版社，1998。

^② 《慎子·慎子逸文》。

变种。若欲窥得法学堂奥，非过经典一关不可。

三

作家王蒙在总结平生时自况心得：

“谈到学习，没有比学习语言更重要的了。多学一种语言，不仅是多打开一扇窗子，多一种获取知识的桥梁，而且是多一个世界，多一个头脑，多一重生命。”^①

以我们现下的教育体系而言，英语教育分为公共英语教育和专业英语教育两个阶段。在公共英语学习的阶段，主要任务是积累必要的单词量，系统掌握发音规则和语法体系，培养一定的听、说、读、写、译的能力。深入和熟练掌握英语的任务主要是在专业英语学习的阶段完成的。在专业英语学习的阶段，有必要选择一定的专业文献，仔细研读，精求其意，体会英语的结构特点、遣词技巧和行文特点，如是方能在英语学习的路途上实现突破。换言之，在“用英语学习专业”和“用专业学习英语”之间形成良性互动，是迅速提升英语水平的有效方法。

“外语和母语不是互相排斥而是互相促进相得益彰的。只有比较过母语与外语的人才能真正认识自身的母语的全部特点，才能从比较中得到启示得到联想，从而大大扩张和深化对于母语并且对于外语的理解和感受。”^②

四

无论在法理学还是在部门法著作中所使用的英语，都有着与惯常所见的英语不同的特点。概而言之，这种英语具有拘文牵义、类语重叠、句子冗长、晦涩难懂、矫饰夸张、威庄严重等特点。^③故有英美人士认为，Studying law involves learning a new language（学习法律包括学习一门新的语言）。^④尽管从严格意义上讲，本书所选入的作品片段有些兼及哲学、政治学、社会学的内容，但是在语言风格上，是符合上述特点的。所以编辑本书之命意，除寻觅思想珠玑、领略原著风貌以外，亦希望读者通过对英文原著的直接接触，体会法律英语的这种特点，培养逻辑分析和综合理解的能力。

五

有鉴于此，编者综观自古希腊以来法学发展之脉络，遴选思维深邃、影响殊远者凡一十五家，精选其著作中为后世所推崇并反复征引之片段，附以注释，令读者能省却翻检辞书、考订典故之气力，专注于原著本身的内容。并弁作者小传与原著导读于每章之首，令读者可循此对所编选内容有整体认知。编者深信，此中所蕴涵之智慧与理性的说服力和辞章与激情的感染力，必能使读者在含英咀华之后倍感齿颊芬芳，受益良多。编者亦深知，较之历史长河中灿若群星之诸多法学名宿，一十五家之选，实

① 王蒙：《王蒙自述：我的人生哲学》，10页，北京：人民文学出版社，2003。

② 同上书，11~12页。

③ 王光汉：《法律英语的语言风格之我见》，载《法学评论》，1999（6），121页。

④ Berring, Robert C. & Edinger, *Finding the Law*, 11th ed., 15 (1999), 转引自马庆林：《法律语言学、法律语言——兼谈法律英语的特点》，载《西安外国语学院学报》，第11卷第3期（2003.9），12页。

有遗珠之憾。然囿于篇幅，不得不如此。编者希望能引领读者管窥人类文明肇端以来西方法学之辉煌篇章，并能由此出发，更为深入、更为理性地思索法治之真谛与正义之本旨。

编者

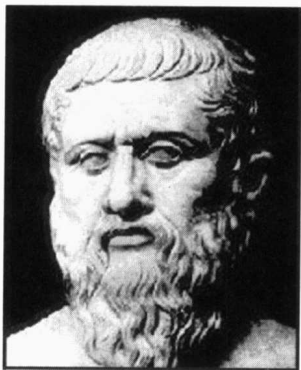
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柏拉图《理想国》、《政治家》、《法律篇》



柏拉图（Plato，公元前 427—前 347），古希腊哲学家，柏拉图学派的创始人。

柏拉图原名阿里斯托克勒（Aristocles），柏拉图这个名字系其师苏格拉底所起。柏拉图出身名门望族，其父系的祖先，可上溯到雅典历史上最后一位君王科德鲁斯（公元前 11 世纪）；在其母系的祖先中，有先后担任雅典执政官的德洛庇达一世（公元前 644）和德洛庇达二世。更为著名的乃是德洛庇达二世的兄弟梭伦。其继父皮兰佩里也是雅典的要人，曾出使波斯和其他亚洲国家。自幼就在几代以来习惯于在国家社会生活中起显著作用的家庭里成长起来，这一点对

柏拉图年轻时献身政治生活的愿望和对政治生活深刻的洞察力产生了重要影响。

柏拉图自幼接受过良好的教育。20 岁时开始师从苏格拉底学习哲学，很快成为苏格拉底最得意的学生。三十僭主政权结束以后，公元前 399 年，苏格拉底被民主政权以渎神等罪名处以死刑，苏格拉底坦然受之。但此事对柏拉图造成巨大打击，终生难以释怀。在柏拉图看来，“这件事结束了他的政治抱负。”^① 是年，柏拉图移居麦加拉，并开始长达 12 年的远游，先后抵达小亚细亚、埃及、北非和意大利南部一些地方。在远游途中，柏拉图寻师访友，增广见闻，大大丰富了自己的学识和经验。

在远游期间，大约在公元前 388 年前后，柏拉图来到位于南意大利的叙拉古，结识叙拉古的僭主狄奥尼修一世及其姻弟、叙拉古亲贵权臣狄翁。柏拉图劝谏狄奥尼修一世，统治者应当是道德上出类拔萃的人，不应仅为自己的利益考虑。柏拉图的言辞触怒狄奥尼修一世，被其下令卖为奴隶，后被赎回。

公元前 387 年，柏拉图回到雅典，在雅典城外东北方一处名为“阿卡德米亚”的地方创立学园。学园吸引了大批外邦青年来到雅典就教于柏拉图。学园的建立是柏拉图生命历程中的转折点，并且在某些方面是西欧科学史上最值得纪念的事件。^② 学园的

① [英] 泰勒著，谢随知等译：《柏拉图——生平及其著作》，11 页，济南：山东人民出版社，1991。

② 同上书，13 页。

创立为柏拉图的学术生涯创造了一个良好的环境。柏拉图在学园中传道授业，与弟子们讨论问题，并撰写了大量著作。

公元前367年，在狄翁的敦请和狄奥尼修二世之子狄奥尼修二世的欢迎下，60岁高龄的柏拉图进行了第二次叙拉古之行，试图教导这位年轻的统治者，以期能实现他的“哲学王”的理想，但结果再次令柏拉图失望。四个月后，狄奥尼修二世以捏造阴谋发难夺取政权的罪名，把狄翁放逐出西西里，柏拉图也处于危险中。得益于朋友的从中斡旋，柏拉图于公元前365年平安返回雅典。

被放逐的狄翁客居雅典，成为学园中学术活动的积极参与者。其间，狄奥尼修二世一再写信邀请柏拉图再去叙拉古，并表示考虑召回狄翁。基于调解狄奥尼修二世与狄翁关系的愿望，柏拉图于公元前361年第三次访问叙拉古。但是狄奥尼修二世很快故伎重演，没收了狄翁的全部财产并迫使其妻子改嫁。柏拉图被软禁于宫中，幸得朋友相助，于次年返回雅典。^① 柏拉图晚年一边在学园中教授知识，一边著书立说。公元前347年，在一次欢娱的婚礼宴会上，柏拉图于小憩时溘然长逝，享年81岁。

柏拉图是古典时代著作丰富而作品似乎完整齐全地留传下来的唯一作家。柏拉图有三十余篇对话集和数封信札行世，其中23篇对话经考证被认为系柏拉图所作，余系伪作或真伪未定之作。关于信札的真伪亦存在一些争论。

按照写作的先后次序、思想的发展、文风的转变及生平事迹的分析，柏拉图的著作可以分为四组：与苏格拉底思想相近的对话、表述柏拉图早期思想的对话、表述柏拉图中期思想的对话、表述柏拉图晚期思想的对话。其法律思想主要集中在《理想国》、《政治家》和《法律篇》中，均属柏拉图中期和晚期的著作。

柏拉图的政治法律思想既是其毕生游历、治学和参与实际政治活动的总结，又受到其哲学观点的深刻影响。柏拉图认为，存在物是二重化的，一方面是现象，现象不是实体。实存的是理念。他称之为Idea，范式、范型、模式（Idea of forms）。人类所感知的世界只是现象世界。现象世界乃是Idea的拷贝或影像。理念才是真实、不动不灭的实体。人们通过感官只能获得意见，而对理念的认识只能借助灵魂的回忆。他把人的灵魂分为理性、激情和欲望，与之相应，他提出四种主要的德性：智慧、勇敢、节制和正义。他认为理性表现为指挥，是统治者的德性；意志或激情表现为勇敢，是战士的德性；欲望是低下的，需节制，因此节制是劳役者（农夫、手艺人）的德性。统治者、战士和劳役者互不干扰，各行其是，即为正义。柏拉图的理想国是其理念论的发挥。

从维护正义的思想出发，柏拉图认为，一个最理想的国家就是“哲学王”统治的国家。因为既然知识（智慧）是国家最高的美德，而它又是哲学家所专有的，那么，一个最符合正义的国家，只能由哲学家统治。因此柏拉图强调的是国家权力与哲学理性的合二为一。柏拉图虽然认为哲学王统治是最好的政体，但是，现实中可能出现四种变态政体，即军阀政体、财阀政体、平民政体和专制政体。在《理想国》中，柏拉图认为上述四种政体是依次循环的。而在《政治家》中，他进一步补充了政体论思想，

^① 王树人等主编：《西方著名哲学家传略》（上），112~114页，济南：山东人民出版社，1987。

他把政体划分为正常政体和变态政体，其中正常政体是指依据法律进行统治的政体，变态政体是指不依据法律进行统治的政体。柏拉图一贯倾向是哲学王最好，但是在《政治家》中又怕其演化成最坏，所以，认为贵族政体比较稳妥。到了后来《法律篇》中，柏拉图进而主张采取混合政体论，即采取吸收君主立宪政体、贵族政体和民主政体三种正常政体所长而构成的混合政体。

在法治和人治的关系上，柏拉图前期和后期的主张是不同的。总的说来，前期《理想国》中更倾向于人治，而中后期的《政治家》和《法律篇》中更强调法治。柏拉图经过亲自改革的失败和多半生的研究思考，认识到他的最优方案不可能在现实中真正得以实施，于是在《法律篇》中开始寻求次优方案，思想倾向也从人治向法治转化。柏拉图认为，如果一个国家的统治者不是哲学家，而在短时间内又没有好的办法把他变成哲学家，那么法治要比人治好。法律是理性的命令，是公道和正义的标志，是一种外在的行为规则。当人们的行为无法靠自己的“道德争议”进行调整时，就需要靠外在的法律正义即“诉讼正义”进行调整。柏拉图认为，实行法治的前提是要做好立法工作，立法的最根本原则是要遵循公正和善德的理念。立法者应具有三种客观条件：（1）他要为之立法的国家应该是自由的；（2）该国应该是统一的；（3）（该国国民）应该具有理解力。柏拉图认为，人类不仅要有法律，而且更重要的是遵守法律，全体公民特别是官吏都要依法办事。“服从法律，这也是服从诸神。”如果一个国家的法律居于官吏之上并被他们所服从和遵守，那么，这个国家就是正义的。官吏不仅是法律的执行官，也是法律的仆人。^① 柏拉图法律思想之精义，大略如此。本章从柏拉图上百万字的对话集中遴选出的片段，正是对上述思想的集中反映。若我们希望探寻法治思想在西方的发展，则必须要上溯到柏拉图那里。因为柏拉图对话中所讨论的话题和提出的观点，即使放在今天的环境中，仍然有着不可忽视的意义。

柏拉图的对话，除了思想深沉和文笔华美之外，还有以下三个比较突出的特点。一是所谓的“苏格拉底的讽刺”。作者往往借苏格拉底之口，对一些见解做出反证。即通过一问一答的谈话方式，首先让对方说出自己对某些问题的看法，然后再不断揭露出对方观点中的矛盾，以迫使对方否定自己原来已经肯定过的东西，最后不得不承认自己无知。正如黑格尔在《哲学史演讲录》中所指出：这种方法有时也有很大缺陷，“它常常只有消极的结果，甚至常常没有结果”。二是所谓“辩证法”，即概念辩证法。这种方法是纯概念的演绎，相当晦涩难懂。三是善用比喻和神话。凡是难于自圆其说之处，柏拉图往往用比喻和神话来加以搪塞。^② 如果要透过对话体这种形式寻觅在言语机锋中所包含的思想珠玑，则我们在阅读时必须注意此种写作上的特点。

① 谷春德主编：《西方法律思想史》，30～34页，北京：中国人民大学出版社，2000。

② 易杰雄主编：《世界十大思想家》，111页，合肥：安徽人民出版社，1990。

Selections from Plato's *Republic*

BOOK III

.....
Why, I^① said, you join physicians and judges. Now the most skilful physicians are those who, from their youth upward^②, have combined with the knowledge of their art the greatest experience of disease; they had better not be robust in health, and should have had all manner of diseases in their own persons. For the body, as I conceive, is not the instrument with which they cure the body; in that case we could not allow them ever to be or to have been sickly; but they cure the body with the mind, and the mind which has become and is sick can cure nothing.

That is very true, he^③ said.

But with the judge it is otherwise^④; since he governs mind by mind; he ought not therefore to have been trained among vicious minds, and to have associated with them from youth upward, and to have gone through the whole calendar of crime, only in order that he may quickly infer the crimes of others as he might^⑤ their bodily diseases from his own self-consciousness; the honorable mind which is to form a healthy judgment should have had no experience or contamination of evil habits when young. And this is the reason why in youth good men often appear to be simple, and are easily practised upon by the dishonest, because they have no examples of what evil is in their own souls.



医生是以心灵医治身体，法官是以心灵医治心灵。做法官的人心灵应美好公正。

① 《理想国》中有数个对话参加者，以苏格拉底为第一人称写成。此处的“我”指苏格拉底。

② upward: *adv.*以后

③ 对话的另一参加者格劳孔 (Glaucón)，柏拉图的兄长。

④ otherwise: *adv.* 不同地

⑤ 此处省略 *infer* 一词。

Yes, he said, they are far too apt to be deceived.

Therefore, I said, the judge should not be young; he should have learned to know evil, not from his own soul, but from late and long observation of the nature of evil in others: knowledge should be his guide, not personal experience.



一个好的法官一定不是年轻人。

Yes, he said, that is the ideal of a judge.

.....

True, I replied, but there is more coming; I have only told you half. Citizens, we shall say to them in our tale, you are brothers, yet God has framed you differently. Some of you have the power of command, and in the composition of these he has mingled gold, wherefore also they have the greatest honor; others he has made of silver, to be auxiliaries; others again who are to be husbandmen and craftsmen he has composed of brass and iron; and the species will generally be preserved in the children. But as all are of the same original stock, a golden parent will sometimes have a silver son, or a silver parent a golden son. And God proclaims as a first principle to the rulers, and above all else, that there is nothing which they should so anxiously guard, or of which they are to be such good guardians, as of the purity of the race. They should observe what elements mingle in their offspring; for if the son of a golden or silver parent has an admixture of brass and iron, then nature orders a transposition of ranks, and the eye of the ruler must not be pitiful toward the child because he has to descend in the scale and become a husbandman or artisan, just as there may be sons of artisans who having an admixture of gold or silver in them are raised to honor, and become guardians or auxiliaries. For an oracle^① says that when a man of brass or iron guards the State, it will be destroyed. Such is the tale; is there any possibility of making our citizens believe in it?



上天使用金、银及铜和铁等不同金属制造治国者、卫国者和农民、工人。因此，不同阶层有不同品格，处于不同位置。

Not in the present generation, he replied; there is no way of accomplishing this; but their sons may be made to believe in the tale, and their sons' sons, and posterity after them.


.....

Then now let us consider what will be their way of life, if they are to realize our idea of them. In the first place^②, none of them should have any property of his own beyond what is absolutely necessary; neither should they have a private house or store closed against anyone who has a mind to enter; their provisions should be only such as are required by trained warriors, who are men of temperance and courage; they should agree to receive from the citizens a fixed rate of pay, enough to meet the expenses of the year and no

① oracle: *n.* (古希腊) 神谕

② in the first place: 首先, 第一点

more; and they will go to mess^① and live together like soldiers in a camp. Gold and silver we will tell them that they have from God; the diviner metal is within them, and they have therefore no need of the dross which is current among men, and ought not to pollute the divine by any such earthly admixture; for that commoner metal has been the source of many unholy deeds, but their own is undefiled^②. And they alone of all the citizens may not touch or handle silver or gold, or be under the same roof with them, or wear them, or drink from them. And this will be their salvation, and they will be the saviours of the State. But should they ever acquire homes or lands or moneys of their own, they will become good housekeepers and husbandmen instead of guardians, enemies and tyrants instead of allies of the other citizens; hating and being hated, plotting^③ and being plotted against, they will pass their whole life in much greater terror of internal than of external enemies, and the hour of ruin, both to themselves and to the rest of the State, will be at hand. For all which reasons may we not say that thus shall our State be ordered, and that these shall be the regulations appointed by us for our guardians concerning their houses and all other matters?

 国家护卫者应不置私产、共同生活、精神纯洁。贪恋钱财、孜孜求利的护卫者将从人民的盟友蜕变为人民的敌人和暴君。

Yes, said Glaucon.

BOOK V

.....

I said: “*Until philosophers are kings, or the kings and princes of this world have the spirit and power of philosophy, and political greatness and wisdom meet in one, and those commoner natures who pursue either to the exclusion of the other are compelled to stand aside, cities will never have rest from their evils—no, nor the human race, as I believe—and then only will this our State have a possibility of life and behold the light of day.*” Such was the thought, my dear Glaucon, which I would fain have uttered if it had not seemed too extravagant; for to be convinced that in no other State can there be happiness private or public is indeed a hard thing.^④

① go to mess: 去食堂吃饭


② undefiled: adj. 无污的, 洁净的, 纯粹的

③ plot: v. 密谋

④ 本段论述了柏拉图的“哲学王”思想, 译文如下, 供参考:

“除非哲学家成为我们这些国家的国王, 或者我们目前称之为国王和统治者的那些人物, 能严肃认真地追求智慧, 使政治权力与聪明才智合而为一; 那些得此失彼, 不能兼有的庸庸碌碌之辈, 必须排除出去。否则的话, 我亲爱的格劳孔, 对国家甚至我想对全人类都将祸害无穷, 永无宁日。我们前面描述的那种法律体制, 都只能是海客谈瀛, 永远只能是空中楼阁而已。这就是我一再踌躇不肯说出来的缘故, 因为我知道, 一说出来人们就会说我是在发怪论。因为一般人不容易认识到: 除了这个办法外, 其他的办法是不可能给公众以幸福的。”

见〔古希腊〕柏拉图著, 郭斌和、张竹明译: 《理想国》, 214~215页, 北京: 商务印书馆, 2002。


 理想国的国王应是哲学家。政治权力与聪明才智的合一是实现理想国的关键。

Socrates, what do you mean? I would have you consider that the word which you have uttered is one at which numerous persons, and very respectable persons too, in a figure pulling off their coats all in a moment^①, and seizing any weapon that comes to hand, will run at you might and main, before you know where you are, intending to do heaven knows what; and if you don't prepare an answer, and put yourself in motion, you will be "pared by their fine wits", and no mistake.

You got me into the scrape^②, I said.

And I was quite right; however, I will do all I can to get you out of it; but I can only give you goodwill and good advice, and, perhaps, I may be able to fit answers to your questions better than another—that is all. And now, having such an auxiliary, you must do your best to show the unbelievers that you are right.

I ought to try, I said, since you offer me such invaluable assistance. And I think that, if there is to be a chance of our escaping, we must explain to them whom we mean when we say that philosophers are to rule in the State; then we shall be able to defend ourselves: There will be discovered to be some natures who ought to study philosophy and to be leaders in the State; and others who are not born to be philosophers, and are meant to be followers rather than leaders. ...

 研究哲学和政治艺术的事情天然属于爱智者的哲学家兼政治家。至于其余的人，不知研究哲学，但追随领导者是合适的。

BOOK VIII

.....
I^③ shall particularly wish to hear what were the four constitutions of which you were speaking.

That question, I^④ said, is easily answered: the four governments of which I spoke, so far as they have distinct names, are, first, those of Crete and Sparta, which are generally applauded; what is termed oligarchy^⑤ comes next; this is not equally approved, and is a form of government which teems with^⑥ evils; thirdly, democracy, which naturally follows oligarchy, although very different; and lastly comes tyranny^⑦, great and famous, which differs from them all, and is the fourth and worst disorder of a State. I do not know, do you?

① in a moment: 立刻

② scrape: *n.* 窘境

③ 指本卷中的对话者格劳孔。

④ 指苏格拉底。

⑤ oligarchy: *n.* 寡头政治

⑥ teem with: *v.* 充满

⑦ tyranny: *n.* 僭主政治

of any other constitution which can be said to have a distinct character. There are lordships and principalities^① which are bought and sold, and some other intermediate forms of government. But these are nondescripts and may be found equally among Hellenes^② and among barbarians.



四种政体：克里特和斯巴达政体、寡头政体、民主政体、僭主政体。

Yes, he replied, we certainly hear of many curious forms of government which exist among them.

Do you know, I said, that governments vary as the dispositions of men vary, and that there must be as many of the one as there are of the other? For we cannot suppose that States are made of “oak and rock,” and not out of the human natures which are in them, and which in a figure turn the scale and draw other things after them?



人性多变不一，政体亦复如是。政治制度是从城邦公民的习性中产生出来的。

Yes, he said, the States are as the men are; they grow out of human characters.

Then if the constitutions of States are five, the dispositions of individual minds will also be five?

Certainly.

Him who answers to^③ aristocracy, and whom we rightly call just and good, we have already described.

We have.

Then let us now proceed to describe the inferior sort of natures, being the contentious^④ and ambitious, who answer to the Spartan polity; also the oligarchical, democratical, and tyrannical. Let us place the most just by the side of the most unjust, and when we see them we shall be able to compare the relative happiness or unhappiness of him who leads a life of pure justice or pure injustice. The enquiry will then be completed. And we shall know whether we ought to pursue injustice, as Thrasymachus^⑤ advises, or in accordance with the conclusions of the argument to prefer justice.



运用逐层比较的方法，比较政体的优劣，寻找正义和优良的政体。

Certainly, he replied, we must do as you say.

Shall we follow our old plan, which we adopted with a view to^⑥ clearness, of taking the State first and then proceeding to the individual, and begin with the government of hono-

① principality: *n.* 公国，侯国

② Hellene: *n.* 希腊人

③ answer to: *v.* 适应，符合

④ contentious: *adj.* 好胜的

⑤ Thrasymachus: 色拉叙马霍斯，政治与法律辩论术的职业教师，对话的参与人之一

⑥ with a view to: 考虑到，着眼于

ur? —I know of no name for such a government other than timocracy^①, or perhaps timarchy^②. We will compare with this the like character in the individual; and, after that, consider oligarchical man; and then again we will turn our attention to democracy and the democratical man; and lastly, we will go and view the city of tyranny, and once more take a look into the tyrant's soul, and try to arrive at a satisfactory decision.



比较的切入视角：国家的品德。

That way of viewing and judging of the matter will be very suitable.

First, then, I said, let us enquire how timocracy (the government of honour) arises out of aristocracy (the government of the best). Clearly, all political changes originate in divisions of the actual governing power; a government which is united, however small, cannot be moved.



政治制度的变动源于领导层的不和。

Very true, he said.

.....

When discord arose, then the two races were drawn different ways: the iron and brass fell to acquiring money and land and houses and gold and silver; but the gold and silver races, not wanting money but having the true riches in their own nature, inclined towards virtue and the ancient order of things. There was a battle between them, and at last they agreed to distribute their land and houses among individual owners; and they enslaved their friends and maintainers, whom they had formerly protected in the condition of freemen, and made of them subjects and servants; and they themselves were engaged in war and in keeping a watch against them.



冲突发生之时，两个阶层由于品性的不同，会向不同的方向运动。发生征战，而后妥协。护卫者阶层发生质变。

I believe that you have rightly conceived the origin of the change.

And the new government which thus arises will be of a form intermediate between oligarchy and aristocracy?

Very true.

Such will be the change, and after the change has been made, how will they proceed? Clearly, the new State, being in a mean between oligarchy and the perfect State, will partly follow one and partly the other, and will also have some peculiarities.

True, he said.

In the honour given to rulers, in the abstinence of the warrior class from agriculture, handicrafts, and trade in general, in the institution of common meals, and in the attention

① timocracy: *n.* 荣誉统治

② timarchy: *n.* 荣誉政制