

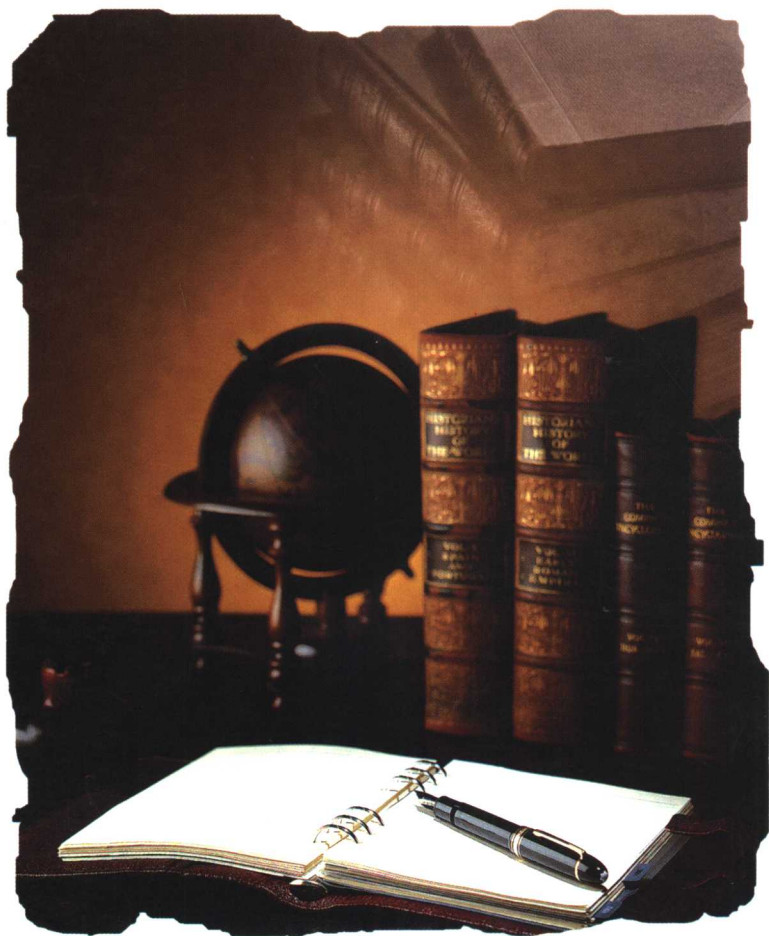
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西学基本经典注释本

# *The Social Contract*

## 社会契约论



上海外语教育出版社

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# The Social Contract

## 社会契约论

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上海外语教育出版社

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2005 年 1 月

## 前 言

大凡伟大的思想家关心与讨论的都是同一件事情，不同的是他们呈现这同一件事情的方式迥异。而伟大的思想家必定超越自己所生活的经验历史，恰恰是这种超越使思想家的伟大思想得以形成。思想家的思想是一个完整的整体，也只有通过整体思想的呈现，人类历史上的伟大思想才能在思想史的长河中绵亘不息。而作为思想后来者，首先应该对伟大思想持一种发自灵魂深处的敬畏，就是要像思想者本人那样去思考，从而将那伟大的思想奉献在世人的面前，这是思想家的伟大思想得以存在的首要前提，也是阐释者解读文献的基本态度。当我们面对 18 世纪的卢梭时，倘若我们能够对他表示一种同情，那么他的思想的伟大性才会主动向我们敞开，我们才能以倾听的方式领略这位伟大思想者的真实意图。

然而，在传统解释模式下，许多伟大的思想家被戴上了不同的面具，以不同的声音在言说。卢梭便是这众多不幸者中的一个。根据传统的解释，这位 18 世纪欧洲精神的反叛者的头衔广为人知：“民主主义者”、“反启蒙的浪漫主义者”、“自然主义神论者”、“天赋权利”的信奉者、专攻“市井文字”的忧伤敏感者、“小资产阶级的代言人”。然而，如果我们深入探索这位在历史上的重要性堪与马克思及弗洛伊德相媲美的思想家的思想历程，我们就会发现，从思想史上来说，卢梭恰恰是站在神性与人性之巅的自我本性的苦行的哲人，是在古典精神与近代情结的墙外来回打转的疲惫的流浪者。

卢梭的一生充满矛盾：他坚定地捍卫儿童的权益，却将自己所生的五个非婚生婴儿托付给某个育婴堂；他赢得了教育家的美誉，但自己的正式教育在 12 岁时就结束了；他被人看作是一位偏执狂、离群索居的易于争吵者，但却矢志不移地维护人类天性之善；

在 37 岁之前,他几乎一文不值,但在晚年却成为 18 世纪的启蒙运动最重要的思想家之一。法国作家罗曼·罗兰曾经这样评价他:“他为文学开辟了通向潜意识的丰富内容之道,即至今被忽视和压制的存在的秘密运动。”他生于新教家庭,却在一生中反复易教;他几乎没接受过正规的训练,但创造出的作品却令那些按部就班者自惭形秽;他的一生总是在旅行、学习与冒险中度过,但他的作品所呈现的世界却与此无缘;他所处的时代是一个哲学与文学泾渭分明的时代,但他抹杀了这种严格的对立,将虚构文本的细微性与哲学文本的严格性轻松地结合起来,从而为文本的规定性开创了新的时代。正如他本人在其第一篇“浪漫主义”自传小说《忏悔录》中所言,“我没有如我所见者那样被造就。我不确信自己如已经存在的任何人那样被造就。如果我不更好的话,至少我是与众不同的。”1778 年 6 月 2 日,这位对康德思想及后世思想影响深远的思想者死于脑溢血,他的遗体于 1794 年被安置在伟人祠。

卢梭所处的时代是一个理性大旗张扬的时代,自笛卡尔理性主义传统开创以来,人类对世界和自身的视野发生了根本性的改变,其根本点在于对人性的现代理解。近代以前的人类总是将自己摆在卑微者的位置,上帝或神是主导世界的最终根据;而近代的人性解释号召人们没有必要去什么山上寻找神圣的召唤,人类自己就可解决所有问题。紧接着道德与政治开始分裂,政治的基础由原来的道德根基化为虚无根基,也就是说关于政治的解决方案其行动不再从道德那里获取资源,政治行动可以不再考虑道德因素而自行其是。最终政治问题与道德问题还原为技术问题,精神性的事物与精神性本身脱离。人类开始面对后世所谓的现代性问题。当代政治哲学家利奥·施特劳斯曾经认为,从政治哲学的角度来看,马基雅维里开创了现代性,而卢梭恰恰是他的继承者,即他处于现代性的第二次浪潮之巅,他想竭力反抗这种现代性,却不料进一步推进了现代性的飞速发展。而实际上,卢梭为解决这种现代性危机曾经采取了三种不同的途径:政治途径,其经典文本为《社会契约论》;教育途径,集中体现于《爱弥尔》;公民宗教,它曾作为一个副本添加在《社会契约论》的文本结尾处。

《社会契约论》分为四卷:第一卷论述人类从自然状态向社会状态的过渡以及形成社会契约的根本条件;第二卷论述立法;第三卷论述政府形式;第四卷除继续上卷论题外,阐述了巩固国家机制

的各种方法。以下将简要介绍该书两个重要观点：公意与主权原则。

卢梭认为，人类社会经历了原始社会和公民社会（即政治社会）两个时期。大约在1750年左右卢梭就开始宣扬他的文明人或无辜的野人的浪漫观念，而在其第二篇论文《论人类不平等的起源与基础》（1755年）中这一观念得到了精心创制，在书中，他坚决认为，只有未被腐化的野人才拥有真正的道德。而到了《社会契约论》中关于野人的有关论述只成为他要论证的问题的一个过渡，即自然状态下的人类不过是为社会状态下的人类作准备。而且他的关注点不再是自然人，而是社会状态下的人类。《社会契约论》以这样的宣言作为自己的开端：“人生而自由，而无往不在枷锁之中。人们认为自己是他人的主人，殊不知仍然是比他人更甚的奴隶。”（P5）卢梭意在说明，人生而自由平等，任何人都没有强使他人服从的正当权力。社会秩序或制度并非源于自然或强力，而是以人们自愿签订社会契约的自由意志为基础。人类必然会从自然状态进入社会状态。因为自然状态发展到一定程度就会使每个个人如果不结合起来就会面临灭亡的危险，因而人类必须寻找一种恰当的结合形式，使它既能以全体的力量来保证个人的各种利益，同时又能使每个结合者不丧失其原来的自由。由此可见，社会契约的根本点在于人们在订约时，将自身及其全部与政治结合体相关的社会关系的权利全数转让给共同体，并自愿接受“公意”的指导。“公意”是国家的灵魂，它以公共利益为依归，从而永远是公正的。（P37）“公意”与“众意”存在巨大的区别，“公意只着眼于公共的利益，而众意则着眼于私人的利益，众意只是个别意志的总和。但是，除掉这些个别意志间正负相抵消的部分外，剩下的总和仍然是公意。”（同前）在具体的政治生活中，“公意”体现为法律。法律是作为立法者的全体立约人所做的规定，结合了意志的普遍性和对象的普遍性，因此它不仅保障公民的权利和平等，而且是自由的基石。因为人们唯有服从为自己制定的法律才是自由的，如个人不同意享受这种自由，那么公意有权“强迫”他接受这种自由。人们签订社会契约的目的是保障自己的自由、财产和人身的安全，条件是人人无例外地遵守契约。由于结合者并非把自己奉献给任何个人，所以在订约后他仍然是自由的（P19）。由此就产生了一个道德共同体，亦即“共和国”。只有在这样的社会契约下，人从自然状态

进入社会状态,也只有这样,“在他们的行为中正义就取代了本能,而他们的行动也就被赋予了前所未有的道德性。”(P25)

卢梭还阐述了主权原则:主权是不可转让的,因为国家由主权者构成,只有主权者才能行使主权。“主权既然不外是公意的运用,所以就永远不能转让,并且主权者既然只不过是一个集体的生命,所以就只能由他自己来代表自己;权力可以转移,但是意志却是不可以转移的。”(P34)主权是不可分割的,因为代表主权的意志是一个整体;主权是不可代表的,因为“主权在本质上是由公意所构成的,而意志又是绝不可以代表的;它只能是同一个意志,或者是另一个意志,而绝不能有什么中间的东西。因此人民的议员就不是、也不可能是人民的代表,他们只不过是人民的办事员罢了;他们并不能作出任何肯定的决定。”同时,主权是绝对的、至高无上和不可侵犯的,因为主权是公意的体现,是国家的灵魂。从主权理论出发,卢梭倾向于共和制而反对君主立宪:“有一种最根本的无可避免的缺点,使得国君制政府永远不如共和制政府,那就是:在后者之中差不多惟有英明能干的人,公共舆论才会把他们提升到首要的职位上来,而他们也会光荣地履行职务的;反之,在国君制之下,走运的人则每每不过是些卑鄙的诽谤者、卑鄙的骗子和卑鄙的阴谋家;使他们能在朝廷里爬上高位的那点小聪明,当他们一旦爬了上去之后,就只能向公众暴露他们的不称职。”(P96)卢梭认为,主权是不可分割的,他对三权分立学说进行了充满智慧的批驳:“意志要么是公意,要么不是;它要么是人民共同体的意志,要么就只是一部分人的。在前一种情况下,这种意志一经宣示就成为一种主权行为,并且构成法律。在第二种情况下它便只是一种个别意志或者是一种行政行为,至多也不过是一道命令而已。”(P34)他认为,主权者唯一的权力是立法权,政府只是主权者根据法律所建立,行政权应当服从立法权,那些不能从原则上区分主权而将“主权分为强力与意志,分为立法权力与行政权力,分为税收权、司法权与战争权,分为内政权与外交权”的政论家们使用的不过是一套江湖骗术,“把社会共同体加以肢解,随后又不知怎么回事居然又把各个片断重新拼凑在一起。”(P35)

概而言之,《社会契约论》是卢梭最重要的政治理论著作。该书在吸收近代政治哲学思想家(霍布斯、洛克等)的思想基础上,在最根本的意义上提出了政治社会的根本目标、实现途径和最终任



务等问题,他在根本问题上试图解决人类的不公正、不平等的现象,为近代政治哲学起到了奠基的作用。尽管其中的有些观点略显粗糙,并未经过严格的理论论证,但即便在这粗糙之间也依然显示出了卢梭的独到智慧。

本书正文部分的注释参考了何兆武先生的译文(商务印书馆,2003年),谨在此向何先生致谢。其中何先生译文与英译本冲突之处,以英译本为准。由于水平有限,译文不当及错误之处,还望读者指正。

曾誉铭

2004年12月

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## TRANSLATOR'S INTRODUCTION

THE *Social Contract* is, as Rousseau explains in his preface, a fragment of something much more ambitious — a comprehensive<sup>[1]</sup> work on *Institutions politiques* which he began to write in 1743 but never finished. In 1743 Rousseau was thirty-one years old, and working as private secretary to the Comte de Montaigu<sup>[2]</sup>, French Ambassador to the Venetian Republic. This place gave Rousseau his first intimate acquaintance with politics and government. The Ambassador was a retired general with no qualifications or aptitude for diplomacy. Rousseau, who was quick and capable, and could speak Italian, performed the duties of Embassy Secretary. Unfortunately, he had no official status; he was not a diplomatist; he was the Ambassador's personal employee; he was, as the Ambassador tactlessly<sup>[3]</sup> reminded him from time to time, a domestic servant. Rousseau felt cheated and humiliated. To do the work of a diplomatist and be treated like a lackey<sup>[4]</sup> was unbearable. \* Within a year, he was gone, dismissed, and not even given his promised wages.

What made the Comte de Montaigu's attitude the more unbearable to Rousseau was not only the injustice, but also the underlying<sup>[5]</sup>

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[1] comprehensive *adj.* 全面的, 综合的

[2] Comte de Montaigu 蒙太古伯爵

[3] tactlessly *adv.* 无意中使人尴尬地

[4] lackey *n.* (穿制服的) 男仆, 侍从

\* Indeed Voltaire put about the false story that Rousseau had been the Ambassador's valet, not his secretary. For evidence of Rousseau's duties at the Embassy see R. A. Leigh, ed., *Correspondance complète de Jean-Jacques Rousseau*, Geneva, 1965 (hereinafter abridged as *Corr. complète*), vols. 1 and 2.

[5] underlying *adj.* 潜在的, 根本的

reality: Jean-Jacques *was* a servant, and he had never been anything much better. He had the soul and the mind, as the whole world was soon to recognize, of an exceptional and superior being, but his rank and condition were humble.<sup>[1]</sup> He had been born in Geneva on 28 June 1712, the second son of Isaac Rousseau, a spirited and irresponsible watchmaker of that city. His mother died a few days after giving him birth. He was brought up, together with his elder brother, by an aunt and a nurse maid. Isaac Rousseau, who had a passion for books, entertained his sons by reading them novels, histories and the heroic biographies of Plutarch<sup>[2]</sup>, so that Rousseau could afterwards boast, "I was a Roman before I was twelve." In fact, by the time he was ten, the readings from Plutarch had come to an end; his father had fought a duel<sup>[3]</sup> which obliged him to quit Geneva, and the sons were boarded out with a Calvinist pastor<sup>[4]</sup> and his sister. At the age of thirteen Rousseau was apprenticed<sup>[5]</sup> to an engraver, at whose house he lived.

"My trade," he recalled many years later, "did not displease me in itself. ... I should perhaps have succeeded if the brutality of my master and excessive constraint had not disgusted me with the work." \*<sup>[6]</sup>

Rousseau's very first taste of employment was thus to him an experience of bondage. He had grown up in greater freedom than

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[1] He had ... were humble. 如整个世界将要承认的那样,他富有异常而出众的思想和灵魂,但他的出身和社会地位是卑贱的。

[2] Plutarch, 普鲁塔克(约 46 - 120 年),古希腊历史学家,其名著《希腊罗马名人传》对卢梭的思想影响颇为深远

[3] fight a duel 决斗

[4] Calvinist pastor 加尔文教牧师;加尔文教,法国基督教新教一个教派;John Calvin, 约翰·加尔文(1509—1564)为其创始人

[5] be apprenticed to 给...当学徒

\* Quoted by Jean Guéhenno in *Jean-Jacques Rousseau*, trans. J. and D. Weightman, London, 1966, vol. 1, p. 15.

[6] I should ... the work. 要是我的雇主的残忍及过分约束不曾令我憎恶这种工作的话,我或许早就功成名就了。

most children. He had been petted, even spoiled by his father and by the several women who did their best to make up to him for the loss of his mother. Besides, as one of his biographers has noted, Rousseau belonged to a family which had come down<sup>[1]</sup> in the world, and in his early years "he suffered from a kind of social down-grading which he was to spend his whole life trying to rectify"<sup>[2]</sup>\* His father had failed as a watchmaker partly because he was too cultured a man for an artisan's trade and partly because he had not enough strength of character to make the best of his situation.<sup>[3]</sup> Isaac Rousseau lived in a world of fantasy, he wasted the legacy his wife had left him, and he was finally forced into exile because he insisted on settling a dispute by a "gentleman's" appeal to the sword. In some ways, perhaps, he was like his son.

One Sunday evening in March 1728, when he was not yet sixteen, Rousseau found himself shut out of Geneva after a walk in the country; he had forgotten the time, and the city gates were closed when he reached them. This had happened to him twice before, and his master had beaten him for staying out all night. This time he decided he would not go back at all.\*\* So his life of wandering began.

In the Catholic principality of Savoy,<sup>[4]</sup> surrounding the city of Geneva, priests were on the look-out for converts<sup>[5]</sup> among the young people who came from that Calvinist republic. Not only

[1] come down 没落

[2] rectify *vt.* 矫正, 调整

\* *op. cit.*, p. 14.

[3] His father ... his situation. 其作为手表匠的父亲之所以失败部分是因为对于工匠行当而言, 他太有教养了; 部分是因为他缺乏足够的个性力量来使自己随遇而安。

\*\* Less perhaps because he feared a beating than because he yearned for adventure. See Georges May, *Rousseau par lui-même*, Paris, 1963, p. 8.

[4] the Catholic principality of Savoy 萨瓦(法国一地名)的天主教公国

[5] convert *n.* 皈依者

priests; there were proselytizers<sup>[1]</sup> also among the laity<sup>[2]</sup>, including a remarkable woman of thirty, the Baroness de Warens<sup>[3]</sup>, who lived, separated from her husband, at Annecy and specialized in helping young men. It was to Madame de Warens that Rousseau was sent by the first Catholic friend he made in Savoy. To his surprise, she was agreeably unlike the usual charitable lady of the parish. "What I saw was a face that was charm itself; beautiful, blue eyes, full of sweetness; a ravishing complexion<sup>[4]</sup>, the curve of an enchanting bosom." \* Madame de Warens was a romantic as well as a pious woman. Her religious sentiments were never perhaps wholly distinct from erotic feelings; one form of ecstasy merged easily into another; but if her converts and her protégés<sup>[5]</sup> were sometimes also her lovers, her connexion with the priests protected her from scandal. She even received from the King of Sardinia<sup>[6]</sup> a pension in recognition of her work for the salvation of young Protestant souls.

Madame de Warens did not immediately detain Rousseau at Annecy. She urged him on to Turin<sup>[7]</sup>, where he was to renounce his Protestant faith and lodge in a Catholic hospice<sup>[8]</sup>. Then to earn his keep he was obliged to become a footman. He disliked the experience and, remembering Madame de Warens, went back to Annecy the following summer to seek her patronage<sup>[9]</sup>. This time

[1] proselytizer *n.* 劝诱改变宗教者

[2] laity *n.* 俗人、外行

[3] Baroness de Warens 华伦男爵夫人, 卢梭 1731 年居于尚贝里时的保护人, 1733 年华伦夫人成为他的情人

[4] ravishing complexion 令人销魂的肤色

\* *Confessions*. See *Œuvres complètes*, Bibliothèque de la Pléiade, Paris, 1959--1965 (hereinafter abridged as "Pléiade"). vol. I, p. 49.

[5] protégé *n.* 被保护的人

[6] King of Sardinia 撒丁王; 撒丁岛(意大利在地中海的一个岛), 撒丁区(意大利一自治区)

[7] Turin 都灵[意大利西北部城市](即托里诺)

[8] lodge in a Catholic hospice 寄住在一家天主教收容所

[9] seek her patronage 寻求她的保护, 寻求她的赞助

she took him into her household and mothered him; he called her *maman* and she called him *petit*. She also arranged for him to have music lessons, and so provided the training for what was sometimes to prove his chief means of earning a living, a bearable alternative to domestic service: work as a music copyist and music teacher. [1]

Madame de Warens also gave Rousseau access to [2] a substantial library, and thus enabled him to educate himself from books. From time to time, Rousseau wandered away from Madame de Warens' house, working for other employers, travelling in search of adventures, seeking his identity, \* but he always returned to what was the only home he had. When he was twenty, Madame de Warens decided, as Rousseau puts it, "to treat me as a man". The affair lasted for six years; then Rousseau discovered that Madame de Warens had taken another lover, one Winzenried [4]. Gradually, Rousseau's life ceased to centre on her house in the Savoy. While working as a tutor in the family of Monsieur de Mably, brother of the socialist theorist, the Abbé de Mably, Rousseau conceived the idea of becoming a writer, and this ambition prompted him to seek his fortune in Paris.

Rousseau's first problem as a budding [5] writer was to discover the medium in which to express what he had to say. He had never any doubt that a writer's mission was to give verbal expression to the truth; at the same time he felt that the truth was melancholy [6] and disturbing. He had also the familiar problem of a livelihood. When music copying and music lessons did not bring in enough, he

[1] She also ... music teacher. 她还安排他上音乐课, 并因此为他提供了有时证明为其主要谋生手段的训练, 即他可以忍受的另一种家庭服务: 做乐谱誊抄师和音乐家庭教师。

[2] give access to 准许出入; 准许使用

\* This last was perhaps a life-long quest. See R. Grimsley, *Jean-Jacques Rousseau, A Study in Self-awareness*, University of Wales Press, 1961.

[4] Winzenried n. 种植葡萄者

[5] budding adj. 开始发展的, 崭露头角的

[6] melancholy adj. 令人忧郁的

became private secretary to another benefactress<sup>[1]</sup>, Madame Dupin, wife of a rich tax-farmer. It was through this connexion that Rousseau gained the opportunity to enter what he visualized as the more distinguished world of diplomacy as secretary to the French Ambassador in Venice.

The year in Venice was miserable. The Comte de Montaigu and his secretary got on one another's nerves<sup>[2]</sup>. Rousseau became increasingly bitter as he felt more exploited, deceived and abused. The Ambassador found Rousseau impudent<sup>[3]</sup>, churlish<sup>[4]</sup> and hysterical. They parted, each thinking the other mad and each accusing the other of robbing him. Besides, Rousseau did not much care for Venice or the Venetians. Architecture did not appeal to him, and Venice lacked nature. Its famous courtesans<sup>[5]</sup> did not provide the kind of love he wanted; one of them advised him to give up women and study mathematics. His chief consolation was the Italian opera, which he adored. As a republican city-state he considered Venice much inferior, politically, to his native Geneva, but at least the comparison prompted him to start writing what he himself regarded as his most important book:

Of the different works that I had on the stocks [he wrote long afterwards in his *Confessions*] the one ... at which I worked with the greatest liking, to which I wished to dedicate myself all my life, and which, in my belief, was to set the seal upon my reputation, was my *Institutions politiques*<sup>[6]</sup> ... I had come to see that everything was radically connected with politics, and that whatever

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[1] benefactress *n.* 女施主, 女恩人

[2] get on sb.'s nerves 使某人不安

[3] impudent *adj.* 粗鲁的, 无礼的

[4] churlish *adj.* 粗野的, 无礼的

[5] courtesan *n.* 高级妓女, 情妇

[6] at which ... *Institutions politiques* 我以极大的热忱投入该书的写作中, 我希望为其奉献我的整个生命, 我相信, 它将使我名声大振, 它就是我的《政治制度》



was done about it, no nation would be other than what the nature of its government made it. ... \*

After the interlude<sup>[1]</sup> in Venice, Rousseau made his way back to Paris. He was still angry and indignant about the way he had been treated, but once in Paris his fortunes began to change. He had already made friends with an enterprising contemporary, another young man who had come up from the provinces, Denis Diderot<sup>[2]</sup>, and the two of them talked of taking the literary world of France by storm. Their dreams were extravagant, but in the event their success was far greater than anything they contemplated.<sup>[3]</sup> Rousseau first made his mark as a musician. He invented a new system of musical notation. It was not accepted by the Academy, but it gained him an award. His *Dissertation sur la musique moderne*<sup>[4]</sup> was published, and attracted notice. He also composed operas and ballets in the Italian style. His ballet *Les Muses galantes*<sup>[5]</sup> was performed in Paris in the autumn of 1745, and enjoyed some success in spite of the open scorn of Rameau<sup>[6]</sup>, the leading French composer of the time. Rousseau's opera *Le Devin du village*<sup>[7]</sup> was played at Fontainebleau<sup>[8]</sup> in 1752 before a delighted audience which included the King. Rousseau might then have had a Royal pension, but, torn by conflicting emotions, longing for the money but proud and contemptuous of kings, he let

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\* Pléiade, vol. 1, p. 404.

[1] interlude *n.* 两段时期中间的时间, 间隔的时间

[2] Denis Diderot 丹尼斯·狄德罗(1713--1784), 法国哲学家、批评家、百科全书编者

[3] Their dreams ... they contemplate. 他们的梦想乖狂, 但是实际上, 他们的成功比他们预期的远为巨大。

[4] *Dissertation sur la musique moderne* 《关于当代音乐的论文》

[5] *Les Muses galantes* 《风流缪斯》

[6] Rameau 拉莫, 法国 18 世纪著名作曲家

[7] *Le Devin du village* 《乡村巫师》

[8] Fontainebleau 枫丹白露, 法国北部城镇, 在巴黎东南, 有著名的宫殿