

剑桥政治思想史原著系列（影印本）

CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

“社会契约论”及其他 晚期政治著作

*The Social Contract
and other
Later political writings*

Rousseau

卢梭

Edited by

VICTOR

GOUREVITCH

中国政法大学出版社

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ROUSSEAU

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EDITED AND TRANSLATED BY
VICTOR GOUREVITCH
Wesleyan University

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剑桥政治思想史原著系列

丛书编辑

Raymond Geuss

剑桥大学社会科学和政治科学高级讲师

Quentin Skinner

剑桥大学近代史讲座教授

在政治理论领域，“剑桥政治思想史原著系列”作为主要的学生教科丛书，如今已牢固确立了其地位。本丛书旨在使学生能够获得从古希腊到 20 世纪初期西方政治思想史方面所有最为重要的原著。它囊括了所有著名的经典原著，但与此同时，它又扩展了传统的评价尺度，以便能够纳入范围广泛、不那么出名的作品。而在此之前，这些作品中有许多从未有过现代英文版本可资利用。只要可能，所选原著都会以完整而不删节的形式出版，其中的译作则是专门为本丛书的目的而安排。每一本书都有一个评论性的导言，加上历史年表、生平梗概、进一步阅读指南，以及必要的词汇表和原文注解。本丛书的最终目的是，为西方政治思想的整个发展脉络提供一个清晰的轮廓。

本丛书已出版著作的书目，请查阅书末。

CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

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Preface

I am grateful to the many colleagues and friends from whom I have learned about Rousseau, or who have called my attention to infelicities or occasional mistakes in the translations and in the Editorial Notes, among them Steven Angle, Joshua Cohen, Maurice Cranston, Lydia Goehr, Wolfgang Iser, Leon Kass, Sam Kerstein, Ralph Leigh, Mark Lilla, John McCarthy, Terence Marshall, Heinrich Meier, Donald J. Moon, Robert D. Richardson Jr., Charles Sherover, Karl Heinz Stierle, William Trowsdale, Robert Wokler. Professor Raymond Geuss has been unstinting in his advice regarding the content and the form of the Introductions.

Annotating texts as varied and as rich in references of every kind as these is a cumulative task. No single editor is so learned as to pick up and identify every one of Rousseau's sources and allusions. All students of these rich and rewarding texts are in the debt of the learned editors who have come before us, and we can only hope to repay a part of that debt by doing our share in helping those who will come after us. After a time some references become common property. I have named the sources and editions I have consulted in acknowledgment of such general debts. In the cases where I am aware of owing information to a particular editor, or an accurate or felicitous rendering to a particular translator, I have indicated that fact. In some cases I mention differences with a given edition; it should be clear that by doing so, I also indicate my esteem for that edition: it is the one worth taking seriously. I have recorded specific help in making sense of a particular passage or in tracking down an obscure quotation in the corresponding Editorial Note.

Preface

I am indebted to Joy Johannessen, Revan Schendler and Mark Lilla for their care in going over some of the new translations.

Virginia Catmur has been the most vigilant and tactful copy-editor, and I am most grateful to her for catching embarrassingly many errors and correcting numerous infelicities.

I did some of the research for these volumes during a year's fellowship at the Wissenschaftskolleg zu Berlin. The Kolleg, its Director, Professor Wolf Lepenies, and its staff have created a uniquely congenial setting for productive scholarship. I welcome this opportunity to thank them publicly.

I wish also to acknowledge research assistance from Wesleyan University over a period of years.

I am most grateful to the reference staff of Wesleyan University's Olin Library, and especially to the late Steven D. Lebergott, for their assistance.

I wish most particularly to thank Mary Kelly for her many years of generous and patient help in transforming often untidy manuscripts into legible texts.

My greatest debt is to my wife, Jacqueline, who has again sustained and inspired me far beyond anything I could hope adequately to acknowledge.

I dedicate these volumes to the memory of my father.

Introduction

I

The *Discourse on Political Economy*, *Of the Social Contract*, and the *Considerations on the Government of Poland* are Rousseau's major constructive political writings, the works in which he seeks to redeem the promise and, as far as possible, to reduce the "inconveniences" of politics. Perhaps no modern writer and certainly no modern thinker has celebrated the nobility of political life as vividly as has he. Yet it was only in his very last political writing, the *Considerations on the Government of Poland*, that he depicted the life of the citizen or patriot in anything like the concrete detail in which he had depicted the conjectural savages of the pure state of nature, the domestic education of Emile, or the domestic economy of Clarens, the country estate of the *Nouvelle Héloïse*. As has often been noted, the *Political Economy* and, in particular, the *Social Contract* are more concerned with the structure of the legitimate city, than they are with the particulars of its citizens' lives.

He wrote, or at least he finished, the *Political Economy* in 1755-1756, immediately after the *Second Discourse*. He published the two works which he called "treatises," the *Social Contract* and *Emile*, in 1762. He must have been at work concurrently on at least parts of them. Both works were condemned by the civil as well as by the ecclesiastical authorities in France and in Geneva. Both were publicly burned. Warrants were issued for their author's arrest. He was forced to flee, and spent much of the next decade on the run or living under an assumed name. It was during those years that he

began writing some of the autobiographical works for which he is also remembered. His specifically political writings during this period are the *Letters Written from the Mountain* (1764), the *Project of a Constitution for Corsica* (1765) and the *Considerations on the Government of Poland*. They differ from his earlier political writings in that they directly address current political situations.

Rousseau explored a variety of ways of life. The fact that he does not consistently hold up one way of life as the standard by which to gauge all others, but calls attention to the merits and the limitations of each of the alternatives he considers, has left some readers under the impression that he was not a coherent thinker. Much of the most valuable twentieth-century Rousseau scholarship has shown that, on the contrary, his thought is remarkably coherent. One cannot help occasionally wondering whether it has not gone too far, and sought to reconcile alternatives which he thought were largely irreconcilable. He did not think it possible to combine all human goods and avoid all "inconveniences" in some one comprehensive way of life, and each one of the major works explores a distinctive way of viewing and resolving the human problem. The most general organizing principle of these explorations is the alternative man/citizen. For all intents and purposes, this alternative corresponds to the alternative ethics/politics or, more formally, natural right/political right.

Natural right and natural law traditionally refer to what, in accordance with human nature, is always and everywhere right, and therefore in some sense of the term "obligatory." "Right," in the expression "natural right," is, for the most part, synonymous with "justice" in the sense of "what is just"; as such, it may subsume rights, but is not itself a right.

Natural right and natural law are traditionally contrasted with positive right and positive law(s), the particular rules and laws which, at a given time and under given circumstances, specify what is morally and/or politically right and/or obligatory.

Treating equals equally would be a rule of natural right or a precept of natural law; driving on this side of the road or that is a matter of positive law.

Rousseau's fullest discussion of natural right and law was prompted by the Academy question whether inequality is authorized by the natural law. He begins with a distinction between two

natural law traditions: that of the Roman jurists, and that of the modern philosophers (*Ineq.* P [6]–[8]). According to the Roman jurists “natural law” is the name for “the general relations established by nature between all animate beings for their common preservation.” It is natural in the sense that the beings conform to it by nature. It states the minimum conditions for common existence. It is strictly descriptive. The Roman jurists’ natural law is a law of nature. According to the modern philosophers, by contrast, “natural law” is the name for the rules about which it would be appropriate for free and rational, that is to say human, beings to agree for the sake of the common utility. It is natural in the sense of specifying natural ends, namely the optimum conditions for common existence. It is strictly prescriptive.

Rousseau concludes that *if* there is a natural law, it would have to satisfy both the ancient jurists’ and the modern philosophers’ criteria: it would have to speak immediately with the voice of nature, and the will of him whom it obligates would have to be able to submit to it knowingly; it would have to be both *natural* and *law*. He rejects this possibility. Men do not by (their) nature – by immediate, spontaneous inclinations, dispositions or impulses – act *for the sake of* their common utility. However, they do, in his view, initially – by (their) nature – act *in conformity with* their common utility. He is reluctant to speak of this as natural *law*. He prefers to speak of it, instead, as natural *right*. When, subsequently, men take cognizance of the ends in conformity with which they had acted by nature, and come to act for the sake of them – “submit to it knowingly” – the law they follow is not, properly speaking, *natural*. He therefore sometimes speaks of it, instead, as the law of reason (*Geneva ms.* I 2 [8]; *SC* II 4 [4], cp. IV 8 [31]). In sum, when he speaks in his own name or about his own views, Rousseau for the most part speaks about natural right. He does so for two reasons among others: right, in contrast to law, states principles which may be realized in different ways in different circumstances, for example, one way “initially,” another “subsequently”; law, in contrast to right, is generally understood as the rule by a superior of an inferior, hence as involving (moral) inequality and obedience; yet on Rousseau’s view, “initially” men could not even have made sense of what it might mean to obey (*Ineq.* E [5], N IX [14]), and especially to obey another human being (*SC* IV 8 [1]). Law, like political society, would

be a late development. Right, by contrast, could be pre- or trans-social or political. When he does use the expression "natural law," Rousseau is, for the most part, not speaking in his own terms about his own views, but in the language of his times about the doctrines of the authoritative "modern philosophers."

Natural right is, then, "natural" inasmuch as it conforms to human nature. Rousseau believes he discerns in human nature two principles prior to reason and independent of sociability: self-preservation and pity. The immediate, spontaneous impulses which they prompt make for behavior in accordance with natural right (*Ineq.* P [10]). So that, independently of the status of reason and of sociability, men could, by the law(s) of (their) nature, live in accordance with at least the minimum requirements of natural right on a world-wide scale: pity, the spontaneous – natural – disinclination to hurt or harm others makes for conformity with the primary rule of natural right, to harm no one (*Ineq.* P [10]; *On War* [17]; *Emile* II, *OC* IV, 340, tr. 104); and self-preservation – each doing his own good – naturally and spontaneously makes for conformity with the "fundamental and universal Law of the greatest good of all" (*Geneva ms.* II 4 [17]; cp. *SC* II 7 [1]).

Self-sufficient men can act in accordance with natural right, without acting because or for the sake of it. As soon as they become materially and psychologically dependent on one another, they cease spontaneously – "naturally" – to conform to the duties of natural right; the workings of the law(s) of (human) nature cease to secure the rule of natural right. Rousseau's central thesis is that once men are irreversibly dependent on one another, the spontaneous – "natural" – and universal conformity to natural right cannot be preserved or restored on a world-wide scale.

In the *Political Economy*, but especially in the early draft of the *Social Contract* known as the *Geneva ms.*, Rousseau reviews and rejects two representative versions – Pufendorf's and Diderot's – of the view that the world-wide rule of natural right endures. Pufendorf assumes that our natural sociability, our common needs and our common humanity unite the whole of mankind, and instill the precepts of natural right in each one of us. Rousseau denies the premise as well as the conclusion. There is no evidence for a natural "great" or "general society of mankind" (*Geneva ms.* I 2 [2], [4], [8], [15], [18]; *Pol. Ec.* [19]; *Emile* I, *OC* IV, 248f.; tr. 39), and even

if there were something like a "universal sociability," it would be exceedingly watery. Most souls are simply not sufficiently capacious to take an active interest in the lives of far-away people, or to feel a sincere sympathy for them (*Pol. Ec.* [30]). Diderot goes so far as to speak of a "general will" embracing the whole of mankind, and he bases natural right on a "pure act of the understanding, reasoning in the silence of the passions" (*Natural Right* ix, 2) about what, in the light of this general will, are our duties and rights as "man, citizen, subject, father, child" (*ib.* vii). Again, Rousseau denies the premise that there is a general will of mankind as a whole, and the conclusion that knowing what natural right requires will cause men to heed it. Indeed, the urgent question, in his view, is not so much the question which Diderot asks, "what is the just thing to do?", as it is the question which Diderot fails to ask, "how will men be moved to do the just thing?" Diderot's "reasoning in the silence of the passions" cannot be trusted to do so.

Rousseau consistently distinguishes two senses or uses of reason, ruling or regulative reason, and calculative or instrumental reason, and the two fundamentally different kinds of right or justice that correspond to them.

What is good and conformable to order is so by the nature of things and independently of human conventions. All justice comes from God, he alone is its source; but if we were capable of receiving it from so high, we would need neither government nor laws. No doubt there is a universal justice emanated from reason alone; but this justice, to be admitted among us, has to be reciprocal. Considering things in human terms, the laws of justice are vain among men for want of natural sanctions; they only bring good to the wicked and evil to the just when he observes them toward everyone while no one observes them toward him. Conventions and laws are therefore necessary to combine rights with duties and to bring justice back to its object. (*SC* II 6 [2]; cp. *Ineq.* I [23] and *Geneva ms.* I 2 [3])

Rousseau leaves open the question whether the goodness of the natural order and the justice of which he is here speaking refer to our world and to ourselves only, or to the universe as a whole, including the inhabitants of Saturn and Sirius (*To Philopolis* [12], *To Voltaire* [21]). He also leaves open the question of whether the justice he says comes from God is the same as the universal justice

he says emanates from reason alone. However, he leaves no doubt whatsoever about the difference between justice in either of these senses, and the justice which might be "admitted among us" because it is reciprocal, has sanctions attached to it, requires conventions, and makes governments necessary. He leaves no doubt whatsoever about the fact that justice, in order to be "admitted among us," must be diluted. If we could live by the first, non-reciprocal and sanction-less justice emanating from reason alone, we would have no need of government, but could quite literally live "without civil society," that is to say in a state of nature. However, "considering things in human terms," most of us will not live by justice emanating from reason alone. Justice emanating from reason alone may guide the wise (*Ineq.* 1 [38], *Geneva ms.* 1 2 [11], *Emile* II, *OC* IV, 320 and V, *OC* IV, 857) and, under exceptional circumstances like those Rousseau describes in the *Emile* and in the *Nouvelle Héloïse*, it may guide some few people who happen to be ruled by the wise. Rousseau is mindful of the wise, but he speaks of them sparingly and, when he does, he does so from the moral/political perspective of most men most of the time (*To Franquières* [9]). Most men, "men as they are," will not heed disinterested and dispassionate reason.

Human contrivance, art or reason, must therefore repair or complete nature, and devise a justice of reciprocity and sanctions which "will be admitted among us." Now, reciprocity with sanctions enforceable on a world-wide scale would be difficult if not impossible to achieve for the very same reasons that sociality does not embrace the whole of mankind: most souls are not sufficiently capacious, and there is no reason to believe that they could be made to experience anything like a lively fellow feeling for the whole of mankind. There is therefore also no reason to believe that it is possible – and hence that it is desirable – to try to fashion a general political society embracing the whole of mankind.

We conceive of the general society in terms of our particular societies, the establishment of small Republics leads us to think of the large one, and we do not properly begin to become men until after having been Citizens. (*Geneva ms.* 1 2 [15])

One important reason for regarding Rousseau as preeminently a political thinker is precisely this central tenet of his moral psy-

chology, that we are moral agents by virtue of being citizens, or at least members of political societies; we are not moral agents first who then may or may not become political agents.

It follows that the most reasonable way to deal with the breakdown of independence and of the world-wide rule of natural right is to institute particular, local, "municipal" political societies subject to political right.

II

Rousseau presents the principles of political right in his "small treatise" *Of the Social Contract*. It is the most systematic of his works, the one which most consistently proceeds in the form of a sustained, rigorous argument. It is therefore also in many respects the most difficult. Yet even this austere treatise begins with "I" and ends with "myself."

The title continues to make for some misunderstanding. In all likelihood he settled on "social contract" because, like "state of nature," "civil state," "natural right," "natural law" and so many other more or less technical locutions, it had become a term of art in the political vocabulary of the mid-eighteenth century. It stood not so much for the view that civil or political societies normally come into being by a formal, explicit contract between independent individuals, as for the view that legitimate political rule is not based directly on either a divine or a natural title to rule, but must be ratified – "authorized" – by the consent of the ruled. The expression which Rousseau adopts as his subtitle, and which he uses on a number of other occasions – *Principles of Political Right* – from the very first alerts the reader to a distinction between political and natural right.

Rousseau reserves the expression "natural right" to refer to the principles or rules of conduct between individual human beings *qua* human beings – "man *qua* man" – either prior to or independently of positive laws and of political societies. "Political right," by contrast, refers primarily to the principles or rules for what he often calls "well-constituted" states (*Narcissus* [19], *SC* II 10 [5], III 4 [6], III 15 [3], IV 3 [8], IV 8 [13]), their institution and end; sovereignty, its legitimate bases and scope; government, its major structures, its forms, and which government is best; and, most particularly, the

principles and rules that specify the relations between political rulers and ruled or between being a citizen and being a subject; in short, issues most of which would now be considered under the heading "constitutional law."

The featured place which Rousseau assigns to the expression "political right" and the distinction between natural and political right which it implies underscores his view that political society and rule are not, strictly speaking, "natural": men may by their nature be sociable or at least made to become sociable (*Emile* IV (Vicar), OC IV, 600, tr. 290; *Languages* 9 [23]), but they are not by their nature unqualifiedly inclined to form political societies or to participate in them; political life is not unqualifiedly the best life; we may therefore not be under an unqualified, "natural," obligation to strive for full membership in political society. Rousseau's rejection of the view that political society is natural goes hand in hand with his rejection of the view that political rule is natural. Since political society and rule are not natural, the modern philosophers were wrong to call "natural law" "the rules about which it would be appropriate for men to agree among themselves for the sake of the common utility" (*Ineq.* P [7]). They should have called these rules "the law of reason" (*Geneva ms.* I 2 [8]; SC II 4 [4], cp. IV 8 [31]). Political society is a being of reason (SC I 7 [7]) guided by the law of reason (SC II 4 [4]; cp. I 4 [10]).

Since political society and rule are not "natural," they require conventions, or are "conventional." They have to be authorized by the consent of their members (*Ineq.* E [2]; SC I 1 [2]); indeed, they are by virtue of their members' consent or agreement.

The aim therefore is, as Rousseau announces in the very first sentence of the *Social Contract*,

... to inquire whether in the civil order there can be some legitimate and sure rule of administration, taking men as they are, and the laws as they can be: In this inquiry I shall try always to combine what right permits with what interest prescribes, so that justice and utility may not be disjointed. (SC I [1], consider IV, 9)

Whereas the principles of natural right are derived from "the nature of man" (*Ineq.* P [5]), the principles of political right are derived from "men as they are," here and now, and whose amour propre, individual interests and common utility or common good