

論作為法律人的朱執信*

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朱執信先生是著名的民主革命先驅，同時亦是一位常被忽視的「法律人」，疇昔之研究普遍對他在法政方面的論述缺乏應有關注。他集舊學根柢和世界眼光於一身，兼具豐富的革命經歷與理論素養，尤值得注意的乃是他曾向近代中國社會引介不少法政學說，在人生不同階段對於法治、立憲等議題均有精彩論述。本文重點關注朱執信1905至1920年間之著述及言論，以期深入研究其法律觀念與立憲思想。

關鍵詞：朱執信、法律人、法政、立憲、直接民權

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On Chu Chih-hsin as a Lawyer

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Chu Chih-hsin was a famous pioneer of the democratic revolution, who was also a “lawyer,” an aspect of his career which has been ignored. Previous studies have generally paid little attention to his legal discourse. He combined into one not only a foundation in old Chinese learning and a broader vision of the world, but also rich revolutionary experience and theoretical knowledge. It is particularly noteworthy that he introduced many legal and political theories to modern Chinese society, and at different points throughout his life, he brilliantly discussed issues such as the rule of law and constitutionalism. This paper focuses on Chu Chih-hsin’s writings and speeches from 1905 to 1920, with a view to digging deeply into his legal ideas and constitutional thinking.

Keywords: Chu Chih-hsin, lawyer, law and political science, constitutionalism, pure democracy

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