

Habermas: A Unity of the Law and Democracy

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Abstract : This paper examines and defends Jürgen Habermas's claim that law is the other side of democracy. It is believed that law and democracy are related, for Habermas, through the mediation of communicative rationality and discourse ethics. These ground a procedural conception of democracy, which legitimizes and rationalizes legal codes in a robust public sphere, linking the exercise of democratic political power to the form of law. The strengths of Habermas's approach lie, it should be claimed, in its overcoming of relativism, its combination of democratically-enacted law with post-conventional morality, and its correction of the one-sided emphasis on private and public autonomy in Kant and Rousseau, respectively.

Keywords : habermas, law, democracy, reason, public sphere

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