

論規範遵循之可期待性的理性基礎 ——試從對話倫理學的應用問題 論道德、法權與政治責任 的規範效力差異與互補*

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在實踐哲學的研究中，倫理學、法學與政治學似乎已經逐漸發展成互不相干的學科。但在日常的生活實踐中，我們卻又發現，如果不能清楚地理解介於道德、法律與政治責任的規範要求之間的關係，那麼我們將無法正確地回答：「我們應當怎樣做才對？」這個實踐哲學最根本的問題。本文將透過阿佩爾與哈伯瑪斯的對話倫理學，說明他們如何在「規範應用的情境合適性」與「規範遵循的可期待性」的應用問題討論中，提出以政治策略責任與民主治國理念，來為道德的可應用性奠定基礎，並從而能為介於道德、法律與政治責任之間的規範效力差異與互補，提出融貫一體的實踐理性建築學架構。

關鍵字：對話倫理學、應用討論、法治國、合適性、可期待性、責任倫理學

On the Warranted Expectation of Norm Following Outlining an Architectural Integration of Moral, Legal and Political Responsibility from the Perspective of Application Discourse in Discourse Ethics

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ABSTRACT

Ethics, jurisprudence and politics may seem disconnected from each other in the study of contemporary practical philosophy, but when we want to correctly answer the question “What is right?”, then some kind of structural understanding about the interrelations between moral, legal and political responsibility is still very necessary for us. In this paper, an architectural outline of these interrelations will be described through the detailed study of Karl-Otto Apel’s ethics of political strategic responsibility and Jürgen Habermas’s discourse theory of law and Democracy which are used for justification of warranted expectation of norm following in their discussion of application problems in discourse ethics.

Key Words: discourse ethics, application discourse, rule of law, appropriateness, warranted expectation, ethics of responsibility