

# 後國族時代的民主與法律 ——哈伯瑪斯政治思想的若干反思

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全球化時代的跨國政治治理，能否在審議式民主的思維架構下，開出民主政治的後國族典範，乃哈伯瑪斯晚近論著所聚焦思考的問題。本文從爬梳哈伯瑪斯如何反思現代性未完成的計畫此一問題出發，探討其溝通理性是否真能超克啓蒙哲學主體理性的內在限制，成爲重建現代性的理念根基。另本文將藉由反思哈伯瑪斯對後國族格局的時代診斷，檢討其民主理論究竟能否在跨國政治治理場域中獲得適用。本文終將指出，哈伯瑪斯深具社會烏托邦性格的民主理論，雖在價值歧異的多元世界中難以獲得實踐，卻爲人類社會的持續進步，擘劃了一個美好的願景。

關鍵字：哈伯瑪斯、現代性、溝通理性、後國族民主、全球化、審議政治

# Democracy and Law in the Post-national Era —Reflections on the Political Thought of Habermas

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## ABSTRACT

A controversial topic in contemporary philosophical discussion and the core issue in the recent writings of Habermas has been whether transnational political governance could become a paradigm of democratic politics in the time of globalization under the theoretical framework of deliberative democracy. Starting from an analysis of how Habermas reflects on the issue of the unfinished project of modernity, this paper is committed to answering the question of whether the communicative reason could really overcome the immanent limits of the subjective rationality of western enlightenment philosophy. This paper will finally conclude that the democracy theory of Habermas, which has the characteristics of social utopia, would be difficult to apply in the real world, characterized by a diversity of values, although due to the realization of the continued progress of human society, his ideas have provided us with a beautiful vision of the future.

Key Words: Habermas, modernity, communicative reason, postnational democracy, globalization, deliberative politics