

Exploring Jürgen Habermas' Perspective on the Relationship between Morality and Law

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Original Research

Abstract



The historical debate on the relationship between morality and law has focused on the connection between human values and ideals and the imperative need for security and peace in society. The significance of moral considerations and their impact on human existence has remained constant throughout history. Legal matters, encompassing obligatory protection, have always been integral to social life. However, the modern concept of rights emerged with the establishment of city and national governments, which were primarily tasked with maintaining internal order and promoting peace. The achievement of this objective is contingent upon societal beliefs, expressions, and actions. While moral norms are influenced by individual capabilities and personality, they are not solely determined by individual or social realities. Consequently, the challenge of reconciling ethics and law has persistently perplexed social thinkers over the centuries. This article aims to provide a concise, descriptive, analytical, and critical review of Jürgen Habermas' perspective on the harmonization of ethics and law within the framework of his macro social theory. The research findings reveal that Habermas assigns paramount importance to order and the public interest, which take precedence over individual rights. He proposes achieving this objective through consensus-building discourse predicated on the free will of equal human beings. In Habermas' view, a free and equal individual embodies moral integrity. Nevertheless, when confronted with a conflict between ethics and law, Habermas tends to prioritize the order and public interests that arise from an agreement on rights, rather than moral norms.

Keywords

Moral Values, Legal Duress, Jürgen Habermas, Conflict of Morality and Law, Discourse Logic, Communicative Action.

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