

The Legal-Theoretical Relationship Between Public Interest and Individual Rights: The Case of Cultural Heritage Expropriation

Abstract

This thesis explores the legal-theoretical relationship between public interest and individual rights.

The first part examines the historical development of the concepts of ownership and public interest in European legal and philosophical thought. The thesis focuses on the Roman law tradition, natural law theories (including Grotius and Locke), utilitarianism, the philosophies of Immanuel Kant and Georg Hegel, and the theory of human flourishing. Special attention is paid to two central issues that form a recurring theme throughout the work.

The first is the question of the relationship between the individual and society—namely, whether and to what extent a person can be held responsible toward the community in a constitutional state, and how such responsibility can be expressed in legal terms without negating individual autonomy. The second issue concerns the tension between pluralist value theories, which recognize the diversity of legitimate public interests, and monist approaches that seek a universal and fixed definition and hierarchy of common values. These conflicts are of fundamental importance for interpreting the boundaries and legitimacy of state interventions into property rights.

The core of the thesis addresses these questions through the lens of various legal theories. In its final part, the protection of immovable cultural heritage is selected as a specific domain in which these conflicts become particularly apparent. The illustrative example of the Vyšehrad railway station in Prague demonstrates how the clash between public interest and individual rights may unfold in practice, especially in a society shaped by historical distrust of state power.

The thesis does not aim to propose legislative changes but rather seeks to deepen the understanding of the normative and conceptual foundations that shape contemporary legal and political approaches to balancing property rights and the protection of public interest.

Keywords: public interest, individual rights, property, legal theory, cultural heritage, legal philosophy