

## **Abstract**

Human rights are the pervasive practical and political concept, discussed in various branches: political and legal philosophy, political science or jurisprudence. In the diploma thesis, this concept is discussed in the framework of political philosophy. An author's basic question: Is the concept of human rights plausible (rationally valid) in the postmetaphysical situation as well, and if so, which rights are possible to specify as "human"? This question is asked in view of contemporary (content, spatial and symbolical) expansion of human rights and solved in light of Jürgen Habermas' conception of human rights. Habermas' conception of human rights represents probably the most significant rational attempt to reformulate this concept in the postmetaphysical situation. His foundation is apparently free from the burden of all anthropological presuppositions, connected with a pristine articulation of the rights of man. As we know, these presuppositions also resound in the legal concept of human dignity. After the problem definition, a historical excursus on the field of rational natural law and basic characterization of the postmetaphysical situation, an analysis and evaluation of presuppositions intrinsic to Habermas' "linguistificated" conception of human rights follow – i.e. universal pragmatics, the inter-subjectivistic conception of the individual and discursive ethics. Clarifying of the theoretic presuppositions contains an outline of Austin-Searle speech act theory, i.e. a basis of Habermas' theory of communicative rationality (or communicative action). A respective analysis of Habermas' human rights conception, articulated in his discursive theory of law, is focusing on a sociological basis of "Democratic Rule of Law" (i.e. social integration of post-traditional societies), the mechanism of legitimacy (validity) intrinsic to law, a relationship between morality and law, system of human (basic) rights and the essential feature of human rights, i.e. universality. The main question is finally answered negatively. This negative answer, articulated controversially as fictitiousness of the concept of human rights, also calls in question the key idea of equal freedom for all.

## **Keywords**

human rights, Jürgen Habermas, discourse theory of law, rational natural law, modernity, essentialism, postmetaphysical situation, justification, political philosophy