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Abstract

Modern democracy and human rights constitute an indissoluble unity. Liberalism and communitarianism open new discussions about the significance of justice in the current legal situation. State etatism is impossible to question. The question is to what extent it can be allowed in social and also economic spheres of everyday life. These very questions separate the politics, philosophy of justice and ethics of the 20th Century. Communitarianism judges and critically checks the fundamental ideas of liberalism. The dispute's meaning between liberals and communitarians is one of political and moral philosophy. Communitarians assume that strong individualism is an obstruction to effective operation of free society and accordingly also the legal state. Immoderate perception of the subject's role signification, one's own functioning in society and exaggerated effort of the realisation of one's own rights obstruct liberals from constituting an effective and justly operated legal state. The topicality of human rights theory in the context of ongoing discussions in the area of moral philosophy can also enrich other themes and problems which are found in current ethical thinking. One of the recurring themes in present day moral philosophy concerns comprehension of the human person's personhood. A more fundamental principle of individuation is my selection for the other and that is inherent to the ethical relationship to the other. The worth of my personhood is an important assumption for an authentic understanding of human rights. Personhood connected with freedom and the challenge to justice is that which express fundamental human rights.

Keywords: ethics, law, communitarianism, liberalism, discourse, values

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