

This thesis focuses on the new human rights and their significance in the context of current legislation and case law. It defines their content and possibilities of their regulation, as well as provides specific cases and doctrinal concepts. The new human rights include the rights of members of the LGBTQ+ community. This thesis focuses in more detail on the topic of same-sex marriage, which is widely discussed (not only) in the Czech Republic.

These marriages have not yet been allowed in our country, although the European trend is different – it is therefore appropriate to ask what the current arguments of their opponents are. They mention, for example, the historical aspects of the institution or the potential threat to traditional schemes. Its supporters, on the other hand, stress the importance of equal rights for all, regardless of their sexual orientation or gender identity. The thesis also uses a traditional constitutional law tool, the proportionality test, to compare these positions, which primarily weighs the importance of the rights on both sides.

This paper focuses on comparing the arguments used by contemporary opponents of same-sex marriage with those historically used by opponents of women's suffrage. The primary reason for this choice is that these arguments overlap to a large extent. Yet, women's suffrage is something society is currently not questioning or opposed to in any way. It is therefore pertinent to ask why the current arguments coincide with those of a century ago.

The thesis analyses primarily those sources that contain legally relevant arguments. These include, for example, the texts of legal philosophers or theorists or the arguments of the legislators of that time and today. Due to the topic of the thesis, which aims to compare the arguments of the opponents of both institutes, sources that primarily express disagreement and take a negative stance are chosen accordingly. However, in order to illustrate the social debate, arguments in favour are also marginally included, although they are not necessarily the subject of examination here.