



From Obergefell to Osaka:

講演：英語 討論：日英両語
Presentation will be held in English. Discussion will take place in both English and Japanese

Comparative Constitutionalism and Judicial Pathways to Marriage Equality in Japan and the United States

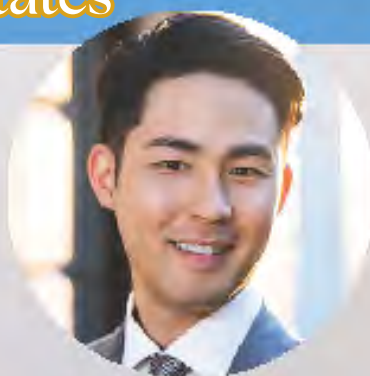
Attorney & Lecturer in Law, University of Hawai'i at Mānoa

弁護士・ハワイ大学マノア校 講師

【PRESENTER】

Brandon Marc Takashi Higa

ブランドン・マーク・タカシ・ヒガ



9/26 Fri

17:00-18:30



【DISCUSSANT】

James Parker

ジェームズ・パーカー

PhD Candidate, University of Hawai'i at Mānoa

Research Scholar, Graduate School of Education, Kyoto University

ハワイ大学マノア校 博士後期課程教育基礎学／グローバル・国際教育

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事前登録

Hybrid Format

サイエンス・コモンズ DAICEL STUDIO

This interdisciplinary presentation examines how courts and legislatures in Japan and the United States have shaped and responded to the constitutional claims of same-sex couples seeking the right to marry. Grounded in comparative constitutional analysis and socio-legal methodology, the talk draws upon the speaker's prior publication summarizing five Japanese district court rulings, while introducing recent developments in the Osaka High Court and the potential implications of forthcoming Supreme Court of Japan decisions.

Through the lens of federalism and judicial review, the U.S. legal framework will be presented as a dynamic system that enables states and municipalities to enact broader marriage equality and anti-discrimination protections beyond federal mandates. Landmark cases such as the Hawai'i Supreme Court's *Baehr v. Lewin* 74 Haw. 530 (1993) and *Obergefell v. Hodges* 576 U.S. 644 (2015) will be discussed alongside Japan's Osaka District Court (2022) and Osaka High Court (2025) decisions to illustrate converging and diverging paths in legal reasoning, constitutional interpretation, and societal influence.

The presentation also highlights how historical and contemporary developments in Hawai'i, including the 2024 constitutional amendment and municipal LGBTQIA+ protections, provide insight into how local governance can respond proactively following major court rulings. Finally, the talk will address emerging challenges in the legal representation of LGBTQ+ clients in Japan, reflecting on how cultural context, social movements, and transnational legal norms shape evolving understandings of human rights and equality.