

## 外 国 語 要 旨

学位論文題目 The change of the concept of marriage in legal arguments for same-sex marriage: the cases of the United States and Canada.

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Over the legal rights of the same sex couple, an argument is carried out led by Europe and North America from the late 1980s to the present. And same-sex marriage or registered partnerships are established in many countries and provinces. In this thesis, I explore discursive shift in the concept of marriage by analyzing a series of court cases and legislation involving rights of same-sex couples in US and Canada from the perspective of queer legal theory. Through this approach, I illustrated the argument over same-sex marriage as the struggle to redefine the symbolic word “marriage” and to reform structure of power on gender and sexuality.

In chapter 1, I outline the current trends of legalization of same-sex marriage and the argument over same-sex marriage in Japan. And I survey theoretical studies over same-sex marriage. And I show that it is useful to analyze the legal argument over the concept of marriage in same-sex marriage legislation by introducing the perspective of queer legal theory into the standpoint of gender and law.

According to the analysis frame which I showed in Chapter 1, I trace the recent evolution of rights of same-sex couples in US and Canada in chapter 2 and chapter 3. In chapter 2, I survey a series of lawsuits to demand the right to marry for same-sex couples in US, from that in 1970s to the decision of Supreme Court over DOMA (Defense of Marriage Act) in 2013.

In chapter 3, I survey landmark decisions on same-sex marriage and legislative process of Civil Marriage Act in Canada. The Civil Marriage Act was enacted on July 2005, which allowed same-sex couples to marry, just as heterosexual couples in Canada.

In chapter 4, I analyze discursive shift of the right to marry in cases of US and Canada by a viewpoint of the definitional approach, the functional approach and the symbolic approach. By presenting a viewpoint of the symbolic approach, this paper shows that the legal argument over the same-sex marriage is placed in the wider discourse context on the story of the recovery of the dignity for the life of gay and

lesbian who have been treated with contempt.

And then, by introducing the concept of “heteronormativity” from queer legal theory, it made clear that it was not only legal rights of same-sex couples but also a symbolic problem to be fought in a legal argument over same-sex marriage.

In conclusion, through consideration in Chapter 4, I suggest that the legal discourse over same-sex marriage afford possibility to reform the power structure of heteronormativity.