

**Marriage is a vital
social institution.**

Goodridge v. Dept. of Public Health

Massachusetts Supreme Judicial
Court

November 18, 2003

What is an *institution*?

A unique and complex web of
widely shared public meanings.

Regarding the marriage
institution:

Every society must make one
of three choices.

The Three Choices:

- Marriage as the union of a man and a woman
- Marriage as the union of any two persons
- No normative marriage institution at all

There is no such institution as
gay marriage or
same-sex marriage or
homosexual marriage
anywhere in the world
(even Massachusetts).

Vermont *will* choose *between*:

- **Man/Woman Marriage** (*the union of a man and a woman*)
- **Genderless Marriage** (*the union of any two persons, where the marriage partners gender is legally irrelevant and socially inconsequential*)

Vermont Cannot Have
BOTH
Marriage Institutions
at the Same Time!

Like all social institutions,
marriage is constituted by
a unique web of
shared public meanings.

Important social institutions
affect individuals profoundly;
institutional *meanings*
teach, form, and transform
individuals,
providing identities, purposes,
practices, and projects.

It is by teaching, forming, and
transforming individuals
across the society
that an institutions
constitutive *meanings*
provide the social goods.

Important Institutions

- Marriage
- Education
- Economics
 - Money
 - Private property
 - Markets
- Religion
- Politics
 - Elections
 - Law
 - Governments
- Sports

**Important institutions
influence one another.**

The government and marriage laws no more create the marriage institution **than the government and real estate laws create dirt.**

Marriage is a pre-political institution; good governments and laws facilitate it.

A bogus secular argument:

Religion is the source of the
man/woman meaning at the
core of the marriage
institution.

The marriage institution with
the man/woman meaning
at its core is virtually
universal, that is, it has existed
in nearly all cultures
since pre-history.

The Man/Woman Meaning

What Social Goods
Does It Provide?

The man/woman marriage institution is:

1. Societys best and probably only effective means to make real the right of a child to know and be brought up by his or her biological parents (with exceptions justified only in the best interests of the child, not those of any adult).

The child's bonding right

2. The most effective means humankind has developed to maximize the private welfare provided to children conceived by man/woman sex (with private welfare meaning not just the basic requirements like food and shelter but also education, play, work, discipline, love, and respect).

Man/woman sex makes babies,
and they need good care for a
long time.

3. The indispensable foundation for that child-rearing mode that is, married mother/father child-rearing that correlates (in ways not subject to reasonable dispute) with the optimal outcomes deemed crucial for a child's and therefore society's well-being.

Kids do best with their own married mom and dad:

- physical, mental, and emotional health and development
- academic performance and levels of attainment
- avoidance of crime and other forms of self- and other destructive behavior such as drug abuse and high-risk sexual conduct

4. Societys primary and most effective means of bridging the male-female divide.

5. Societys only means of conferring the identities and statuses of *husband* and *wife*.

6. Social and official endorsement of that form of adult intimacy married heterosexual intercourse that society may rationally value above all other such forms.

Married man/woman sex:
Societys best and cheapest (to
it) way of getting the next
generation of good, productive
citizens.

Meanings matter.

Institutionalized meanings matter very, very much because they shape individuals and thus society one way or another.

Vermont Cannot Have
BOTH
Marriage Institutions
at the Same Time!

This Is Impossible:

At the same time and place,
marriage means the union of a
man and a woman **AND** the
union of any two persons.

One meaning necessarily
displaces the other.

Man/woman marriage
and
genderless marriage

**are radically different
marriage institutions.**

The law has the power to
suppress the man/woman
meaning and thereby
de-institutionalize
man/woman marriage.

Once the Legislature adopts genderless marriage, **that becomes the *only* law-sanctioned marriage that any couple can enter, whether same-sex or man/woman.**

Why preserve man/woman
marriage in Vermont?

To preserve in Vermont:

- The child's bonding right
- Maximum private welfare for the kids made the old-fashioned way
- The optimal child-rearing mode
- The best bridge over the male-female divide
- The statuses and identities of *husband* and *wife*
- Approval of the most socially beneficial form of adult intimacy

The serious debate over the marriage issue has been over for some time now

and man/woman marriage is the clear victor.

Who bears the burden of proof?

- Genderless marriage will be better for society than man/woman marriage.
- Man/woman marriage will continue to be better for society than genderless marriage.