

# Introduction to the 2005 Editors’ Symposium: *The Meaning of Marriage*

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The outstanding collection of articles and comments thereon that follows this Introduction constitute the 2005 Editors’ Symposium of the *San Diego Law Review*. The Editors’ Symposium, an annual event, began with the 2004 Symposium *What is Legal Interpretation?*, which appeared in these pages in Volume 42, No. 2.<sup>1</sup> Both symposia were organized by the Institute for Law and Philosophy at the University of San Diego School of Law,<sup>2</sup> and both consisted of the presentation of papers and comments on certain premises, followed by publication in the *San Diego Law Review*. The 2006 Editors’ Symposium conference on *The Rights and Wrongs of Discrimination* will take place in April 2006, with subsequent publication of its papers in Volume 43 of the *Law Review*.

It is difficult to imagine a more important and timely subject than the “Meaning of Marriage.” With the recent political, religious, and legal debates over gay marriage, the proposed Federal Marriage Amendment, the sociological and economic literature on the effects of liberal divorce and single parenthood, and calls from within and without the academy

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1. Symposium, *What is Legal Interpretation?*, 42 SAN DIEGO L. REV. 461 (2005).

2. The Institute’s Executive Directors are Professor Steve Smith of the School of Law and me. The other Directors are Professors Richard Arneson and David Brink from the Philosophy Department at the University of California, San Diego, who also have appointments in our School of Law, and Professor Maimon Schwarzschild of the School of Law. Affiliated Scholars of the Institute are: from the School of Law, Don Dripps, Dan Rodriguez, and Chris Wonnell; from the Philosophy Department at the University of San Diego, Matt Zwolinski; from the Philosophy Department at the University of California, San Diego, Dana Nelkin and Sam Rickless; and from the Philosophy Department at the University of Arizona, Connie Rosati.

for withdrawal of the state from the sanctioning and regulation of marriage, marriage and its meaning are now in the forefront of national consciousness.

The authors and their commentators approach these questions from legal, philosophical, and empirical perspectives, sometimes reaching radically different conclusions on the ultimate questions of policy, morality, and constitutionality. I believe that you, the reader, will be impressed both by the quality of the articles that follow and by the breadth of the perspectives represented.

A brief guide to the papers: Brian Bix, with comments by Bob Nagel and Mike Kelly, discusses what, if anything, lawyers can contribute to the debate over marriage. Robin Wilson, with comments by Laura Adams and Kim Yuracko, examines the effects of marriage, divorce, and single parenthood on the prospects of children. Chris Wolfe, with comments by Michael Perry and Don Dripps, discusses the necessity for the Federal Marriage Amendment that would confine “marriage” to one man and one woman. Nomi Stolzenberg, with a comment by Bill Galston, asks what view a liberal polity ought to hold of marriage and its commitments. Dick Arneson, with a comment by Connie Rosati, looks at how Lockean libertarians and prioritarian consequentialists should, respectively, view questions of marriage and childrearing. Cheshire Calhoun, with comments by Sam Rickless and Sandy Levinson, takes up the issue of polygamy. Amy Wax, with comments by Gail Heriot, Dana Nelkin, and Maimon Schwarzschild, asks how a conservative should look at current controversies over marriage. And Janet Radcliffe Richards, with a comment by Matt Zwolinski, examines methodological issues involved in the proper resolution of these controversies.

I should also say that it is the intention of the Institute for Law and Philosophy and the *San Diego Law Review* to make such symposia as this and the others mentioned annual events at the law school. In seeking to make an annual Editors’ Symposium a reality, the Institute and the *Law Review* have worked to build a permanent endowment sufficient to finance it. To that end, we have solicited (and shall continue to solicit) donations from all former editors of the *Law Review*. Those who have contributed to date are listed at the beginning of the issue. We are very, very grateful for your generosity and hope this product vindicates our seeking your support. Thank you.