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GRADUATION AS AN APPRAISAL STRATEGY IN THE U.S. SAME-SEX MARRIAGE LEGAL SYLLABUS

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Abstract: *Many* States, *numerous* cases, a right *long* protected, liberties that are *fundamental*: the syllabus of *Obergefell v. Hodges* (2015) is built from words that make the case for marriage equality bigger, older, and harder to dismiss. This study examines how these graduation resources, the subsystem of Appraisal Theory that scales evaluative meaning up or down, construct interpersonal meaning and persuasive force in the syllabus. Guided by three research questions on the types, functions, and distribution of graduation devices, the study applies a qualitative descriptive design informed by Systemic Functional Linguistics (SFL) to 153 clauses of the official syllabus. The analysis identified 138 graduation instances: 92 force resources (67%) and 46 focus resources (33%). Within force, intensification (50 instances) slightly outnumbered quantification (42). Force resources amplify the scale, urgency, and historical durability of the case for marriage equality, while focus resources sharpen or soften the boundaries of contested legal concepts such as *fundamental* liberty. The argument also stays strictly within constitutional and social-equity terrain, avoiding religious and health-based claims. The findings show that graduation works strategically in high-stakes legal discourse to align readers with the Court's reasoning. By offering a systematic mapping of graduation in a U.S. Supreme Court syllabus, the study extends Appraisal Theory into an under-examined legal genre and contributes to forensic linguistics, judicial rhetoric, and legal drafting.
Keywords: *appraisal theory; graduation; same-sex marriage; systemic functional linguistics; legal discourse analysis.*

INTRODUCTION

On June 26, 2015, the U.S. Supreme Court ruled in *Obergefell v. Hodges* that the Constitution guarantees same-sex couples the right to marry. The decision reshaped the constitutional status of same-sex couples in the United States, and it has since been invoked in debates on marriage equality and LGBTQ+ rights in jurisdictions as different as India, Namibia, Russia, and Greece (Dwivedi & Yadav, 2024; Kalfeli et al., 2025; Kondakov, 2023; Matthews & Brown, 2025).

Before most readers meet the full opinion, they meet its syllabus. Prepared by the Court's Reporter of Decisions for the convenience of readers, the syllabus is formally not part of the opinion, yet it is the condensed account that lawyers, students, and journalists often read first [verify and cite the syllabus disclaimer, e.g., *United States v. Detroit Timber & Lumber Co.*, 1906]. A syllabus is therefore not a neutral summary. It compresses the interpersonal and persuasive work of the full decision into a dense, high-stakes register, and how it constructs evaluative meaning bears on how judicial reasoning is read and mobilized (Ain et al., 2025; Goździ-Roszkowski, 2025).

Systemic Functional Linguistics (SFL) offers a principled way to study this evaluative work, because its interpersonal metafunction reveals how writers position themselves and grade the strength of their claims (Darong, 2024; Doran et al., 2024). Within SFL, the graduation subsystem of Appraisal Theory scales evaluative meaning up or down, and it is a core resource through which legal writers present arguments as stronger, broader, or more certain (Martin & White, 2005). Examining graduation in the *Obergefell* syllabus thus

illuminates how language helps shape the reception of judicial outcomes, a central concern of forensic linguistics and legal communication (Azmi, 2025; Fitria, 2024; Usman, 2023).

Early work examined the rights and privileges attached to same-sex partnerships (Doan et al., 2014) and the strengths of same-sex relationships (Rostosky & Riggle, 2017). More recent studies have evaluated policy effects on social attitudes (Sansri et al., 2022), traced how judicial decisions shape issue salience in LGBTQ+-serving media (Bailey et al., 2024), analyzed anti-LGBTQ legislation in Florida (Fowler & Mountz, 2023), and reviewed the diversionary discourses of marriage debates (Mills, 2024). Comparative studies document how same-sex marriage and LGBTQ+ rights are framed in Greece (Kalfeli et al., 2025), local U.S. news (Lake, 2024), Namibia (Matthews & Brown, 2025), Kenya (Maweu & Muthegethi, 2025), Hungary (Gera, 2023), Russia (Kondakov, 2023), Turkey (Rau, 2026), India (Dwivedi & Yadav, 2024), and the Philippines and Indonesia (Chavez & Ceneciro, 2023; Sharma & Bahuguna, 2024).

Ulfah et al. (2019) first showed that the *Obergefell* syllabus is dense with attitudinal meaning. Shvanyukova (2023) used Appraisal Theory to examine how the *Dobbs v. Jackson* majority opinion constructs history, and Elyamany et al. (2025) combined computational and Appraisal methods to trace force and focus in Egyptian abortion rulings. Graduation and related resources have also been documented in attorneys' closing arguments (Cao & Yuan, 2024), sentencing discourse (Attar & Abdo, 2025), the *Obergefell* concurrences and dissents (Goździ-Roszkowski, 2025), Supreme Court oral arguments (Ain et al., 2025), bilingual judgments (Yu, 2023), criminal trials (Zaiton, 2025), and indictments (Toan, 2024). Beyond the law, graduation has proven productive in news (Wan, 2024), interpreting (Xu & Liang, 2023), student argumentation (Risdianto et al., 2025), and the refinement of Appraisal annotation (Zeng et al., 2024).

Recent scholarship maps the field's growth (Alduais et al., 2023; Chami et al., 2026; Fitria, 2024) and applies its methods to criminal judgments (Akhtar et al., 2025; Malik, 2026), political speech (Obenza et al., 2024), and multilingual legal settings (Usman, 2023). SFL has been applied to Pakistani High Court judgments (Shahzadi et al., 2025), Iranian criminal courts (Bameri et al., 2025), court proceedings (Ekpang & Ogolekwu, 2024), and judicial power (Naqvi et al., 2025), alongside linguopragmatic work on legal rhetoric (Hajiyeva, 2026; Lăpădat, 2025; Prisada, 2026; Sun et al., 2025).

Despite this growing literature, no study has systematically mapped how a U.S. Supreme Court syllabus deploys graduation. Appraisal-informed studies of legal discourse tend to examine full opinions (Shvanyukova, 2023), oral arguments (Ain et al., 2025), or rulings in other jurisdictions (Elyamany et al., 2025), leaving the syllabus genre, with its condensed argumentation and high evaluative density, largely unexamined. The study addresses three research questions: (1) What types and frequencies of force and focus resources does the *Obergefell v. Hodges* syllabus employ? (2) How do these resources function lexicogrammatically and rhetorically to construct interpersonal alignment and legal persuasion? (3) What does their distribution reveal about the overall persuasive strategy for marriage equality?

The study makes three contributions. First, it isolates the syllabus as a distinct, condensed evaluative genre, unlike most work on full opinions or lower-court judgments (Ain et al., 2025; Bameri et al., 2025; Shahzadi et al., 2025). Second, it combines a frequency mapping of 138 graduation instances across 153 clauses with a fine-grained account of how specific choices such as *many*, *long*, and *fundamental* construct legal urgency. Third, it extends the authors' earlier attitudinal analysis of the same document (Ulfah et al., 2019), building toward an account of the full Appraisal system in a single landmark legal text. Practically, it offers legal writers and drafting bodies a linguistically grounded vocabulary for understanding the persuasive force of legal texts (Hajiyeva, 2026; Prisada, 2026).

Graduation is the dial of the Appraisal system. Attitude identifies what is evaluated, and engagement shows how a writer aligns with other voices; graduation determines how strongly either is expressed (Martin & White, 2005). It lets writers turn an evaluation up or down, and so present themselves as more or less firmly committed to a value position. Graduation remains central in current SFL research, from reviews of interpersonal-metafunction studies (Cheng, 2023) to renewed theorizations of context and instantiation (Doran et al., 2024), and its role in scaling the force of argument has been confirmed repeatedly in persuasive texts (Risdianto et al., 2025). The framework continues to be extended across registers, including translator education (Alshalan, 2024; Alshalan & Alyousef, 2025), textual mechanisms of appraisal (Sun, 2024), and

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EFL academic discourse (Listi et al., 2025; Sujatna & Kuswoyo, 2023).

Graduation has two axes, summarized in Table 1 and Figure 1. Force strengthens or weakens the intensity or amount of a quality, process, or entity. Focus sharpens or softens the boundaries of categories that are not normally scalable.

Table 1. Graduation devices

Graduation type	Devices	Examples
Force	Intensifiers, attitudinal lexis, metaphor, swearing	*He still plays great*; *…the second part is fantastic…*; *ice cold in a sweltering night*; *dammit, there must be a clique*
Focus	Sharpening, softening	*a true guitar legend*; *a part-time blues fan*

Source: Martin and Rose (2003)

Focus applies to categories that are experientially clear-cut, where membership is normally settled by necessary and sufficient conditions. Focus turns these either–or categories into clines of prototypicality (Martin & Rose, 2003). Consider: (1) *They don't play real jazz.* (2) *They play jazz, sort of.*

Experientially, jazz is one genre among others. Interpersonally, focus treats some performances as core members of the category and others as peripheral, so membership becomes a matter of degree. *Real* sharpens the boundary; *sort of* softens it. Focus is therefore especially useful wherever the precise edges of a category are at stake, as they are in legal reasoning about what counts as a "fundamental" right.

Force scales intensity or amount, and it also does dialogic work: it signals how closely the writer aligns with the value position being advanced. In legal writing, force indexes the writer's degree of commitment to particular claims (Toan, 2024), a pattern also found in sentencing discourse (Attar & Abdo, 2025) and oral argument (Ain et al., 2025). Martin and White (2005) distinguish two sub-resources.

Quantification scales entities, concrete or abstract, by: number: *few*, *many*; mass: *small*, *large*; *light*, *heavy*; extent, in time or space, either as proximity (*near*, *far*; *recent*, *ancient*) or as distribution (*long-lasting*, *short-term*; *widespread*, *sparse*).

Intensification scales qualities (*slightly foolish*, *extremely foolish*), processes (*slightly hindered*, *greatly hindered*), and modality (*just possible*, *very possible*). It may be realized lexically (*happy* vs. *ecstatic*; *trickled* vs. *poured*), through repetition (*laughed and laughed and laughed*), or metaphorically (*prices going through the roof*). Writers use these resources not only to convey information but also to manage interpersonal distance, build solidarity with an audience, and project an evaluative persona (Attar & Abdo, 2025; Trnavac & Põldvere, 2024).

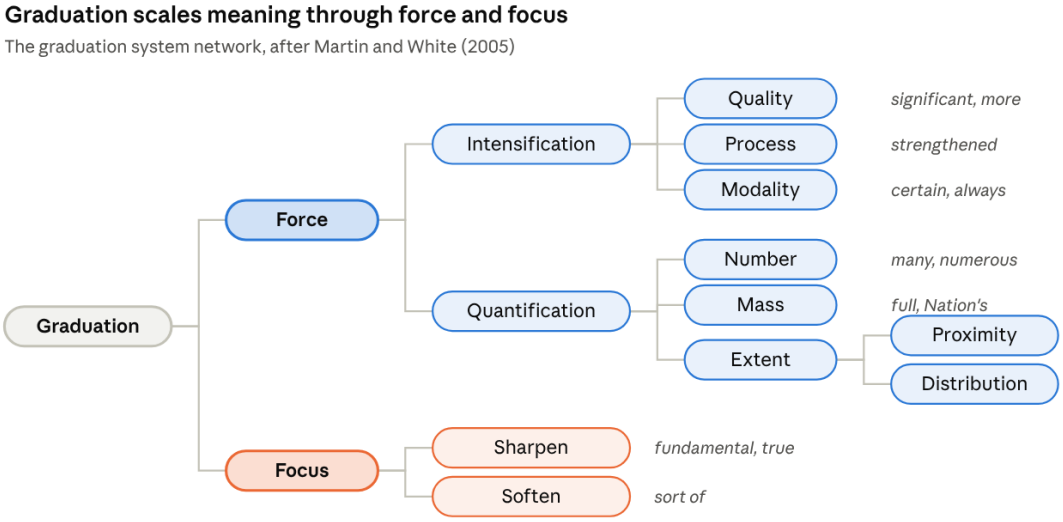


Figure 1. *The graduation system, with examples from the syllabus*

Italic items are examples from the *Obergefell* syllabus, except *sort of*, which is Martin and White's (2005) illustration of softening.

METHOD

The study uses a qualitative descriptive design supported by frequency counts (Creswell & Poth, 2018). This design allows micro-level language choices to be linked to macro-level social and judicial meaning: clause-level analysis shows how graduation expresses evaluative positions and scales arguments in their natural textual and legal setting. Simple frequencies and percentages chart the distribution of graduation devices, in line with mixed qualitative–quantitative designs used in Appraisal-based legal research (Bameri et al., 2025; Shahzadi et al., 2025). Appraisal Theory serves as the analytical instrument, on the premise that legal language relies on scaling, intensifying claims or sharpening boundaries, to construct authority and precedent (Martin & White, 2005).

The data consist of the official syllabus of *Obergefell v. Hodges*, 576 U.S. 644 (2015), decided on June 26, 2015, and obtained from the Supreme Court's website (https://www.supremecourt.gov). The document was chosen because the decision marks a watershed in American constitutional law, and its syllabus is correspondingly dense with high-stakes evaluative language and contested categorical boundaries.

The analysis followed the five steps shown in Figure 2.

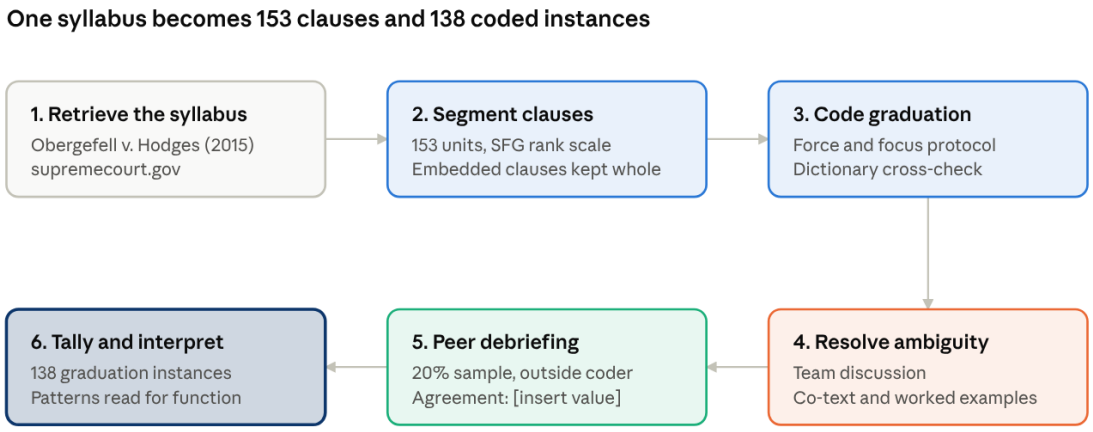


Figure 2. *Analytical procedure*

The syllabus was divided into 153 clauses, the study's units of analysis, using the rank scale of Systemic Functional Grammar (Halliday & Matthiessen, 2014). A new clause began at each shift in the configuration of process and participants, that is, at each finite or non-finite verbal group with its participants and circumstances. Clause-complex boundaries were also marked by conjunctions, relative clauses, and punctuation. Embedded clauses functioning inside another clause, such as a nominalized clause serving as Subject, were coded with their matrix clause to preserve the scope of each graduation device. This transparent segmentation follows practice recommended for legal-discourse research (Alduais et al., 2023; Bameri et al., 2025).

Each clause was coded manually against Martin and White's (2005) taxonomy, distinguishing force (quantification and intensification) from focus (sharpening and softening). A coding protocol defined each subtype with criteria and worked examples, and lexical judgments were cross-checked against dictionary definitions (Oxford Learner's Dictionaries).

Ambiguous cases, such as items with both attitudinal and descriptive readings or metaphorical rather than lexical realizations, were resolved through team discussion with reference to the co-text and the protocol (Bameri et al., 2025; Naqvi et al., 2025).

A linguist not otherwise involved in the coding independently reviewed a 20% sample of the coded clauses. Discrepancies were resolved through discussion and, where necessary, refinement of the protocol, yielding substantial agreement [insert the exact percentage agreement or Cohen's kappa].

Frequencies of each device were tallied to identify dominant patterns, and these patterns were then interpreted qualitatively to reveal the interpersonal strategies through which the syllabus achieves persuasion and alignment (Naqvi et al., 2025).

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RESULTS AND DISCUSSION

Overview: amplification over precision

The syllabus turns its argument up far more often than it sharpens its categories. The analysis identified 138 graduation instances across the 153 clauses, almost one per clause. Force accounts for 92 instances (67%) and focus for 46 (33%), answering Research Question 1. Within force, intensification (50 instances, 54% of force) slightly outnumbers quantification (42 instances, 46%). Figure 3 breaks these totals down by subtype. Quality intensification is by far the most frequent force subtype, followed by quantification by number and mass, while modality and spatial extent are rare.

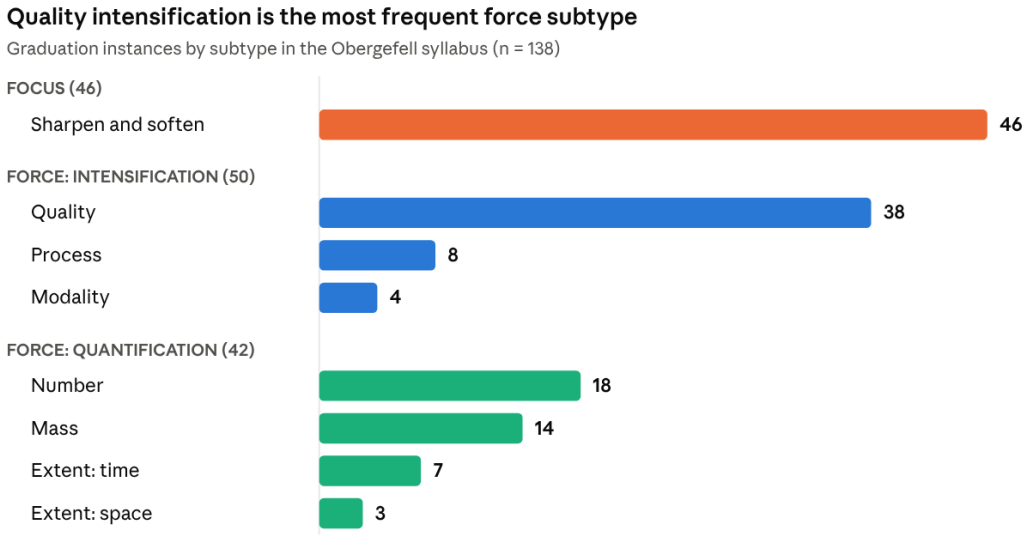


Figure 3. *Distribution of graduation resources by subtype*

Focus instances were not subdivided into sharpening and softening in the coding.

Focus: drawing the boundaries of contested categories

Focus accounts for 46 instances. It operates on categories whose membership is usually treated as settled, clear-cut, either–or (Eggins, 2004), and in the syllabus it does its most important work on the very concepts the case turns on: liberty, marriage, and personhood. Three representative examples follow.

> (1) *The fundamental liberties protected by the Fourteenth Amendment…*
> (2) *…the Court must respect the basic reasons why the right to marry has been long protected.*
> (3) *This is true for all persons, whatever their sexual orientation.*

In (1), *fundamental* sharpens the category of "liberties," placing the right to marry among the core, prototypical rights rather than at the periphery. The word nonetheless supplies no fixed threshold for what makes a liberty fundamental. In (2), *basic* works the same way for "reasons," presenting them as foundational. As Rosch (1973) observed, such categories are organized around prototypes rather than sharp limits, so *basic* marks centrality without defining it. In (3), *true* sharpens the validity of a claim and extends it across a boundary, "all persons, whatever their sexual orientation," that opponents of marriage equality sought to draw.

The pattern is consistent: focus resources mark key concepts as central and authoritative while leaving their exact edges open. This gives the argument both firmness and interpretive latitude, a combination that suits a text whose task is to redraw the boundaries of an established institution. Similar uses of focus have been documented in other high-stakes evaluative registers, such as academic feedback and thesis defenses (Utari et al., 2025; Van Poucke, 2025).

Force as quantification: making the case big and old

Quantification accounts for 42 of the 92 force instances. It enlarges the case for marriage equality in three dimensions: how many are involved, how complete the claim is, and how long and how far it extends (Hood, 2010; Martin & White, 2005).

Number (18 instances). Number quantifiers make the issue look broad-based rather than isolated:

(1) *States have contributed to the fundamental character of marriage by placing it at the center of many facets of the legal and social order.*
(2) *Well into the 20th century, many States condemned same-sex intimacy as immoral.*
(3) *Numerous same-sex marriage cases reaching the federal courts and state supreme courts have added to the dialogue.*

Many denotes "a large number of" and *numerous* "existing in large numbers" (Oxford Learner's Dictionaries). Cumulatively, they frame marriage equality as an issue touching many facets of law, many States, and numerous courts. They work as boosters that prevent the reader from dismissing the claim as an anomaly, a strategy also documented in institutional legal argument (Ain et al., 2025).

Mass (14 instances). Mass quantifiers signal the completeness or collective weight of what is at stake:

(1) *…denying them the right to marry or to have marriages lawfully performed in another State given full recognition.*
(2) *It is demeaning to lock same-sex couples out of a central institution of the Nation's society.*

In (1), *full* signals that the petitioners sought complete rather than partial recognition, in keeping with substantive due process, under which protections are expected to be comprehensive rather than symbolic (Sunstein, 1994). In (2), *Nation's* scales the institution up to the collective level, so that exclusion from marriage becomes exclusion from national society. Framing individual claims through a national collective increases their perceived political weight (Naqvi et al., 2025).

Extent (10 instances: 7 temporal, 3 spatial). Extent quantifiers place the argument in time and space:

1.*…a claim to liberty must be addressed applying these tenets, the Court has long held the right.*
2.*History and tradition guide and discipline the inquiry but do not set its outer boundaries.*

In (1), *long* marks temporal duration and presents the right to marry as long-established rather than newly invented, lending it a kind of temporal authority. In (2), *outer* marks spatial extent and figures the law as bounded territory: history and tradition guide the inquiry, but they do not fence it in. This metaphorical construction of legal space is consistent with patterns found in judicial rhetoric (Lăpădat, 2025; Prisada, 2026).

Force as intensification: raising the stakes

Intensification accounts for the remaining 50 force instances. It scales qualities, processes, and modality, turning up the harm of exclusion and the benefit of inclusion.

Quality (38 instances). Quality intensifiers are the single most frequent force subtype:

1.*They also suffer the significant material cost of being raised by unmarried parents, relegated to a more difficult and uncertain family life.*
2.*This does not mean that the right to marry is less meaningful for those who do not or cannot have children.*

In (1), *significant* and the comparative *more* escalate the harms that the current law imposes on children of same-sex couples, a "force multiplier" pattern also observed in indictments (Toan, 2024). In (2), *less* is negated, so the clause denies any reduction in meaning: marriage is no less meaningful for couples without children. This allows the syllabus to defend childless and same-sex marriages alike while maintaining an appearance of evaluative restraint, a balance also documented in judicial allocution (Attar & Abdo, 2025).

Process (8 instances). Process intensifiers scale actions and changes:

(1) *These new insights have strengthened, not weakened, the institution.*

The contrast between *strengthened* and *weakened* construes legal change as a material process with tangible effects (Halliday & Matthiessen, 2014). Its pointed correction ("not weakened") anticipates and rebuts the objection that marriage equality threatens the institution of marriage.

Modality (4 instances). Modality intensifiers calibrate the scope and frequency of claims:

1.*In 2003, this Court overruled its 1986 decision in Bowers v. Hardwick, 478 U.S. 186, which upheld a Georgia law that criminalized certain homosexual acts.*
2.*Rights implicit in liberty and rights secured by equal protection may rest on different precepts and are not always coextensive, yet each may be instructive as to the meaning and reach of the other.*

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In (1), *certain* narrows the scope of the claim to specific acts, allowing the writer to state a truth within a narrow scope and avoid over-generalization (Palmer, 2001). In (2), *always*, under negation, signals that the two constitutional guarantees usually but not invariably overlap, projecting interpretive precision about the limits of each protection.

Interpersonal meaning and persuasive strategy

Taken together, the graduation resources do three jobs: they make the case large, long-standing, and consequential, while keeping its central categories firm but open. Table 2 summarizes the function of each resource, answering Research Question 2.

Table 2. *Rhetorical functions of graduation resources in the syllabus*

Resource	Key items	Rhetorical function
Force: number	*many*, *numerous*	Presents marriage equality as broad-based, touching many States, courts, and areas of law
Force: mass	*full*, *Nation's*	Frames the claim as complete rather than partial, and as national rather than individual
Force: extent	*long*, *outer*	Grants the right historical legitimacy; keeps tradition from fencing in liberty
Force: quality	*significant*, *more*, *less*	Escalates the harm of exclusion; denies that some marriages matter less
Force: process	*strengthened*, *not weakened*	Rebuts the claim that marriage equality threatens the institution
Force: modality	*certain*, *always*	Calibrates the scope of claims to avoid over-generalization
Focus: sharpening	*fundamental*, *basic*, *true*	Marks key concepts as central and authoritative while leaving their edges open

The predominance of force (67%) shows that the syllabus relies chiefly on amplification rather than categorical precision. Graduation of this kind is never evaluatively neutral; it is a tool of ideological positioning (Fowler, 1991). The cumulative deployment of force across the syllabus builds rhetorical momentum, through which the text contests a dominant legal paradigm and justifies institutional change (van Dijk, 1998).

This pattern resonates with findings on evaluative language in comparable judicial contexts. Goźdź-Roszkowski (2025) shows that strategic maneuvering between evaluative stances is central to how the *Obergefell* concurrences and dissents justify their positions, and Elyamany et al. (2025) find that legal institutions calibrate the intensity of their language to manage authority in contested rulings. Similar calibration appears in Chinese courtroom discourse (Sun et al., 2025), Iranian criminal courts (Bameri et al., 2025), Pakistani judicial verdicts (Malik, 2026; Shahzadi et al., 2025), and criminal-trial testimony (Zaiton, 2025). Answering Research Question 3, the force-dominant profile of the syllabus therefore appears to belong to a broader repertoire that legal writers draw on when justifying high-stakes social change, rather than to be an isolated stylistic choice (Cao & Yuan, 2024; Toan, 2024).

Equally telling is what the syllabus does not graduate. Its scaling operates almost entirely within the domains of civil liberty and social equity; it does not extend into religious objections or claims about health effects. This selective scope is itself rhetorical. By confining amplification to constitutional and social-equity terrain, the text avoids domains that would invite competing evaluative frames and weaken the coherence of its argument. Strategic scope limitation of this kind has been shown to strengthen persuasive coherence in institutional legal argument (Naqvi et al., 2025; Obenza et al., 2024). Figure 4 brings these elements together.

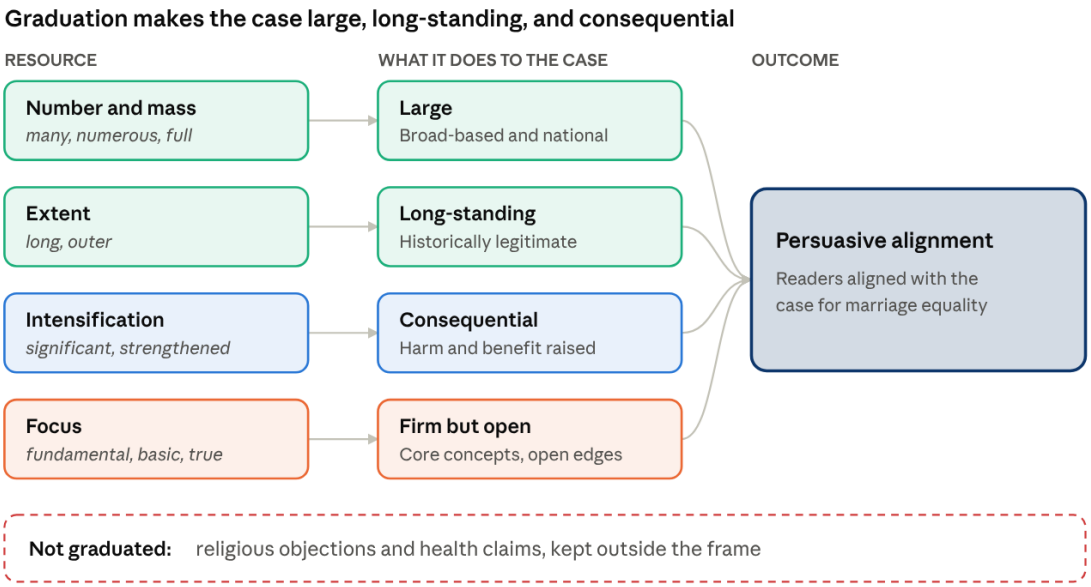


Figure 4. *How graduation resources build the persuasive strategy of the syllabus*

CONCLUSION

The *Obergefell v. Hodges* syllabus persuades mainly by amplification. Of its 138 graduation instances, 92 are force and 46 are focus. Within force, 50 realize intensification and 42 quantification. The syllabus makes the case for marriage equality broad (*many* States, *numerous* cases), long-established (a right *long* held), and consequential (*significant* costs; strengthened, *not weakened*). It also marks its key concepts as central and authoritative (*fundamental* liberties), and it confines its argument to civil liberty and social equity, leaving religious and health-based arguments aside.

These findings answer the three research questions. The syllabus deploys graduation predominantly through force (RQ1). Its resources construct urgency, scale, and historical legitimacy, while focus marks core concepts without fixing their edges (RQ2). And their distribution reveals a coherent, scope-limited strategy that favors amplification over categorical precision (RQ3). Theoretically, the study extends Appraisal Theory's graduation subsystem into the Supreme Court syllabus, complementing work on closing arguments (Cao & Yuan, 2024), sentencing discourse (Attar & Abdo, 2025), and comparative rulings (Elyamany et al., 2025; Goździ-Roszkowski, 2025). Practically, it offers forensic linguists, legal drafters, and judicial communicators a grounded account of how attitudinal scaling constructs legal persuasion (Hajiyeva, 2026; Prisada, 2026).

The study has three limitations. First, it examines a single document, which limits generalization to other genres, jurisdictions, and periods. Second, although guided by an explicit protocol and checked through peer debriefing, the coding remains interpretive, so the reported frequencies should be read as indicative rather than definitive. Third, it does not compare the syllabus with the concurring and dissenting opinions, which differ substantially in evaluative stance (Goździ-Roszkowski, 2025).

Future research could compare graduation across the syllabi of several rulings, or across marriage-equality rulings in different jurisdictions (Dwivedi & Yadav, 2024; Kalfeli et al., 2025; Kondakov, 2023; Matthews & Brown, 2025). Diachronic studies could trace how graduation in Supreme Court syllabi has evolved, building on computational approaches to judicial language (Elyamany et al., 2025; Shah & Kamran, 2026). Further work might compare majority, concurring, and dissenting opinions within a single ruling, or combine Appraisal analysis with multimodal and computational methods (Ain et al., 2025; Zaiton, 2025; Zeng et al., 2024).

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