

How an Evergreen State prof guided the Supreme Court

By Danny Westneat
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When Reagan-appointed Justice Anthony Kennedy wrote his gay- marriage opinion, it turns out he was channeling an Evergreen State College professor.

Years ago I was a co-host of a fundraising dinner when one of the 20 guests pulled me aside to tell me what I already knew — that it was the other co-host everybody had come to see.

“No offense, but she’s a total rock star!” the guest enthused.

None was taken. But I do wish now I’d taken notes on what that co-host had said, and what questions the audience asked of her. Because she was onto something big. Like national, epic-historical big.

That total rock star is an Evergreen State College history professor named Stephanie Coontz. She has taught there since 1974, which is just three years shy of the school’s entire life span. She’s made a name for herself as a writer on the family, women and marriage.



Stephanie Coontz

Last week her signature work “[Marriage, a History: How Love Conquered Marriage](#)” served as a surprising backbone for Justice Anthony Kennedy’s [Supreme Court majority ruling legalizing gay marriage](#). He cited Coontz twice directly. But beyond that, his entire opinion adopts themes about the changing nature of marriage that Coontz has explored through multiple books and 40 years of seminars at the Olympia alternative school.

It means a Reagan Republican appointee, in one of the biggest civil-rights rulings of our time, ended up channeling a “Greener,” as they call themselves at Evergreen.

How weird is that?

“It was definitely exciting, and unexpected,” Coontz says. “I’m just thrilled to see a case where you can say: ‘Hey, history matters!’ ”

Coontz said she has never met Kennedy. She and 25 other history professors did [write a brief to the court](#) seeking to set the record straight on the story of marriage (namely, that it’s a myth it was ever based on procreation).

What’s striking, though, is how Kennedy seems to incorporate the full implication of decades of Coontz’s work into his ruling. Which is that once heterosexual marriage became less focused on fixed gender roles, you can’t then logically deny it to same-sex couples.

“My point is that it’s not gays who are changing traditional marriage,” Coontz says. “Because straights already did that.”

She charts, and Kennedy alludes to, how there is no traditional marriage. It evolved from an unequal property contract to the “male breadwinner, female helpmate” stereotype of the 1950s to today’s ideal of a union based more on love and equality.

Kennedy, likewise, notes that the courts set the stage for gay marriage when they began throwing out what he calls “invidious sex-based classifications in marriage (that) remained common through the mid-20th century.”

He cites a law still on the books in the 1970s that “the husband is the head of the family and the wife is subject to him; her legal civil existence is merged in the husband.”

Responding to “a new awareness,” Kennedy wrote, courts threw out that law because it imposed “sex-based inequality on marriage.”

Coontz says this revolution in thinking by straights about their own marriages — this “new awareness” — was the direct forebear of this latest ruling.

“It’s where society and the courts have been headed for a long time, whether we’ve understood it or not,” she said.

It’s also an unfinished project. She said what’s next is likely to be more erosion of traditional gender roles within marriage. That could lead to more acceptance of men doing child care, and more support for women working, such as family-leave policies.

“But I do history,” she said. “History can’t tell you what you *should* do.”

Coontz said she stumbled onto the marriage topic more than 20 years ago, shortly after her 1992 book, [“The Way We Never Were,”](#) came out. That book sought to debunk some myths about “traditional” American families, hitting just as the family-values debate in politics raged to its peak.

Discussing that book, her students and others started asking questions from the angle of people who had grown up in less stereotypically conventional families: What was marriage invented for, anyway? Why is the divorce rate high, and is that necessarily bad? The search for some answers led to the book Kennedy cited, “Marriage, A History.”

Evergreen’s alternative style was crucial to developing all this, Coontz says. It’s not a traditional research university. For example, she said, “They insist you talk about your work extensively with your students. So the students have contributed to a lot of my thinking over the years.”

Coontz, 70, is semiretired from Evergreen now. But she plans to teach her seminar, [“American Families: Historical and Sociological Perspectives,”](#) there next spring. That’s going to be one sought-after class, I’d guess.

I still sometimes hear people deride Evergreen as “too weird” to be a public college that gets taxpayer money. Well, Geoducks, you showed them. Weird made history.