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With forty years under its belt, Title IX is rightfully lauded for having not just leveled, but transformed the playing field for women and girls. Title IX, passed as part of the Education Amendments of 1972, provides that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Simply put, Title IX bans sex discrimination by educational institutions that take federal money.

Congress’s aim in passing Title IX was to provide women and girls with equal opportunity in education in an era when they were blatantly discriminated against in terms of admission, especially to professional schools; had their numbers capped; or were admitted but were subjected to entirely different (and worse) treatment.

Title IX indeed has changed the face of education. It has been invoked to protect students against sexual harassment by teachers and peers, to ensure fair treatment of pregnant and parenting students, to remove obstacles to women’s education in non-traditional fields like science and math, and to curtail the use of single-sex education that was rooted in stereotype. But Title IX is most known for its impact on athletics, even though that was probably the furthest thing from the legislators’ mind when they enacted it. (The legislative history suggests little more than some chuckling over the prospect of co-ed football and co-ed locker rooms.)

Title IX’s transformative effect on women’s sports is undeniable. One year before Title IX’s passage, there were fewer than 300,000 female high school athletes. Today, there are more than three million. A girl’s likelihood of playing high school sports has gone from one in twenty-seven to nearly one in two. Female college sports have seen dramatic growth as well—from 32,000 women playing in 1971 to over 200,000 playing today.

There is no question that sports have changed women. Female sports participation has proven positive effects that are related to academic achievement; job success; positive self-esteem; reduced incidence of self-destructive behaviors like smoking, drugs, sex at a young age, and teen pregnancy; and physical and mental health benefits. By and large, sports have been empowering and have even changed, in fundamental ways, what it means to be a woman.

But have women changed sports? Why is it that despite the widespread participation of women and girls in sports, a team of ten-year-old boys would be told by their male coach (as recently happened to one of our sons) that the reason they lost their soccer game is because they “played too womany”? And why is it that this remark
strikes so few people as offensive? Has women’s participation in sports changed the norms of femininity for women, but not the norms of masculinity for men?

The Masculine Origins of Sport

Sports have always been a place where masculinity is learned and practiced. Sports were introduced in American schools out of fear that boys were becoming too womanly when the shift from an agrarian to an industrial labor force, along with limits on child labor, left them at their mothers’ apron strings rather than their fathers’ boots. For athletic boys, sports are a path to success and popularity. Conversely, too, boys who lack athletic interest or ability risk remaining on the periphery of masculinity. Indeed, sports are so typed as masculine that they are sometimes pushed as a cure for homosexuality in the pseudo-psychological/religious programs designed—on false pretenses, of course— to supposedly turn gay kids straight. The same message surfaces in more mainstream programs as well. As reported in one lawsuit, when a student complained to the principal that he was experiencing anti-gay harassment, the principal reassured him, “You can learn to like girls. Go out for the football team.” The message is endemic to American boyhood: an athletic boy is a real boy.

Sport is a rite of passage for boys, and an institution that reinforces a hierarchy of masculinity. The very nature of sports, as developed in schools and at other competitive levels, is associated with core tenets of masculinity—physicality, aggression, competition, and winning. The more a sport revolves around these features, the more masculine it is perceived to be. And the more it emphasizes violence, aggression, or brute strength over aesthetics, the more masculine it is perceived to be. The more masculine it is, the more money gets poured into it, the more fans it has, and the more it reinforces traditional norms of masculinity. No one would, for example, question the relative placement of football or basketball to diving or gymnastics on the masculinity scale.

The Cost of Prizing Masculinity in Sport

The reinforcement of traditional norms of masculinity through sport has its costs. For example, the allocation of resources to the most masculine male sports—football and basketball—consumes the lion’s share of most institutional athletic budgets, leaving all other men’s sports to scramble for the leftovers. Recent data shows that Division I colleges and universities spent about 88 percent of their total men’s sports budget on football and basketball. (And despite conventional wisdom, the vast majority of these sports do not generate a profit, especially when all costs and expenditures are actually accounted for.) The huge rosters for football also take spots from “less masculine” sports. With 70-80 or more football players on the roster, there are fewer resources to fund other teams.

The money devoted to football and basketball has a cost for all such “less masculine” sports—both men’s and women’s. With no end in sight to their bloated budgets, the over-allocation has to be taken from somewhere. Women’s sports, along with the less masculine men’s sports (the so called non-revenue sports), take the hit. Title IX offers little resistance. It does not require equal funding of men’s and women’s sports; funding is just one factor in a qualitative comparison of the overall men’s and women’s programs. Even then, actual equality is mostly a pipe-dream at the highest competitive levels. Regardless of how winning or well-known a women’s team is, it is unlikely to receive the perks that are taken for granted in the most-valued men’s sports. Women’s teams rarely, if ever, see the luxury of hotel accommodations on nights before home games, high-tech video and digital display equipment in locker rooms, travel by chartered jet, being coached by someone paid more than the university president, and money lavished on recruits.

There are other costs, as well, to a system that encourages and rewards extreme performances of masculinity in male athletes. With masculinity comes a presumption of heterosexuality, and an expectation of unfettered sexual access to women. The culture of men’s sports creates an atmosphere of entitlement in which sex is one of the perks. This sets up a dynamic in which men who do not live up to these norms are hazed or harassed; and other men feel entitled to behave in sexually aggressive, even assaultive, ways. Indeed, there have been several recent cases showing how expectations of sexual access can be part and parcel of a high-profile men’s sports program, which we discuss below.

Masculinity’s Collateral Damage
In one of the more notorious of these cases (although it is more of a variation on a theme than a breaking of the mold), the University of Colorado was sued for collaborating in a football recruiting program that supplied female students as euphemistically named “ambassadors” to show high-school senior football recruits a good time during their visits to campus. The lawsuit arose from the gang-rape of two female students by football players and recruits during one of these visits. In *University of Colorado v. Simpson*, a federal court of appeals held that the university was accountable for failing to supervise its recruiting program, despite its knowledge of the risk of sexual assault.

In a similarly egregious case against the University of Georgia, a female student alleged that she was gang-raped by a group of football and basketball players. Again, a federal appeals court allowed the suit to proceed based on the university’s knowledge, prior to admitting him, that the athlete who led the gang rape had committed prior sexual assaults and harassment. The university also displayed deliberate indifference in taking a full *eight months* after receiving the police report to conduct an investigation. And, in the end, the university never punished the assailants.

Other cases involve male athletes whose hyper-masculine aggression is not reserved for women. In several cases, schools have been sued for their inadequate responses to cases of male-on-male hazing and assault. In one of the earlier cases, *Seamons v. Snow* (1996), a male high school football player was tied, naked, to a horizontal towel bar with athletic tape; his former girlfriend was then invited in to see him. The coach viewed this as a normal part of athletic culture—”Boys will be boys”—and when the victim complained, the coach accused him of betraying the team. The victim should have, the coach explained, “taken it like a man.” The victim was told to apologize to the team for tattling, and, when he refused, he was dismissed from the team. Unfortunately, the federal appellate court reviewing this case upheld the dismissal of the complaint, concluding that the “qualities Defendants were promoting, team loyalty and toughness, are not uniquely male.” And there was no proof, the court noted, that a female victim would have been treated better. More recent cases have done a better job discerning sex stereotyping in such hyper-masculine performances in male locker-room culture, and have allowed Title IX claims to proceed. These cases show some promise in using Title IX to challenge the extreme excesses of male sports culture. But their impact so far has been limited.

What all these cases have in common is the exaltation of men’s athletics to the point where it becomes untouchable by the rest of the university, however outrageous the behavior being condoned. The phenomenon of “what happens in athletics, stays in athletics” is far too prevalent in the big-time men’s sports programs, where ranks close to preserve the privilege and status of the program above all else. Even the worst examples of bad behavior being covered up fail to provoke the kind of momentum necessary to truly change the culture of privilege in the university that the most elite men’s programs enjoy. We have previously written ([here](http://verdict.justia.com/2011/11/14/the-penn-state-scandal-why-is-no-one-talking-about-title-ix)) and ([here](http://verdict.justia.com/2011/11/15/the-penn-state-scandal-why-is-no-one-talking-about-title-ix-2)) about one of the most reprehensible examples of this phenomenon, the Sandusky sex abuse scandal at Penn State.

It is not just women and less privileged boys and men who pay the price of a male sport culture gone awry. The masculinity of sport has costs even for the men who attain the highest privilege in sports. Sport sociologists have identified a “toxic jock” identity that men in the highest-status sports often assume, which leads to an over-identification with the role of athlete, and an indulgence in harmful and dangerous high-risk behaviors. Men who over-identify with sport prioritize athletics over academics, which leaves many of them with little education and dim job prospects. Needless to say, most college athletes do not go on to be professional athletes.

**The Challenges of Changing Sport Culture**

While female athletes have made great strides under Title IX, their success has done little to change the masculine culture of sport. And yet, this is a challenge that Title IX must take up if women are ever to attain equal status in sport. The masculinity that sport confers on boys and men depends too much on separating the masculine, which is prized, from the feminine (whether it appears in girls or less masculine boys), which is reviled. Insulting male athletes for playing “too womany” is an ungrammatical variation on an old theme, the time-tested insult that a boy “throws like a girl.” The language can be updated in myriad ways, and for extra punch, accompanied by vulgar references to female anatomy, but the underlying message is the same as it was in
the pre-Title IX era. And remarkably, the adults who are entrusted to teach sports to our boys see little problem with that message (except perhaps in its most vulgar linguistic form).

In asking what, if anything, Title IX can do about this state of affairs, one possibility might be to rethink the law’s allowance of sex-separate competition. The insult of playing like a girl might lose its sting if boys grew up learning to fear a female opponent who bends the ball like a young Julie Foudy. While we would not advocate radical changes to Title IX’s baseline of allowing sex-separate teams, which has placed crucial pressure on schools to expand girls’ and women’s sports in order to keep up with their growing interest, we see no reason why community sports programs, especially in the younger years, shouldn’t encourage more co-ed play. Learning to respect all athletes, both male and female, at a young age could go a long way toward inoculating male athletes against the more problematic aspects of male sports culture that we have addressed here.

Even greater inroads might be made if boys had greater exposure to women as coaches. Most of the attention to the underrepresentation of women in coaching has focused on women’s sports. The trajectory for women coaches is a mirror image of that of female athletes in the post-Title IX era: While women used to be well over 90% of the coaches of women’s sports, they are now just over 40%. The turnaround is staggering, and is often lamented as an unintended consequence of Title IX. In fact, the causes are complex, but as women’s sports gained greater resources, the coaching jobs became more desirable to men, and the old-boy networks in athletics worked to their advantage. But the story of women coaches in men’s sports is one of continuity, not change: The percentage of female coaches of men’s sports has held constant, at a meager 2—3%. With the legions of accomplished female athletes and teachers out there, surely “the best man for the job” of coaching boys’ and men’s teams is not always, necessarily, a man. If more women coached male athletes—and more male coaches interacted with them as colleagues and competitors—perhaps a way could be found to motivate male athletes that did not depend on de-valuing or de-humanizing half the human race in the name of coaching.

Some of the ideas in this column are developed in more detail in Deborah L. Brake, “Sport and Masculinity: The Promise and Limits of Title IX,” in Masculinities and the Law: A Multidimensional Approach (Frank Rudy Cooper & Ann C. McGinley, eds., NYU Press 2012).


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