Chapter 6: Gender

# 6.1. Definition and explanation of sexual terms

In late-2009 three organizations – the National Center for Lesbian Rights, the Women’s Sport Foundation, and It Takes A Team! Education Campaign for Lesbian, Gay, Bisexual and Transgender Issues in Sport – co-sponsored a think tank intending to create a guide that high schools and colleges could use to make sure that transgender students had fair, respectful, and legal access to school sports. The final report (Griffin & Carroll, 2010) included models of best practices combined with policy recommendations that could be used by school and athletic program administrators, coaches, parents, students, and media personnel.

An appendix in the report contained definitions of terms that may be confusing for many people dealing with transgender issues for the first time. Pat Griffin and Helen Carroll, the authors of the report, adapted the following definitions from a list created by Gender Spectrum’s “[A Word About Words](https://www.genderspectrum.org/the-language-of-gender/)”—available online.

Griffin and Carroll also point out that the vocabulary used when discussing issues related to transgender people evolves. Therefore, the terms and definitions in their list are considered as working definitions and examples. Here are the terms and definitions they use in 2020:

* **Biological/Anatomical Sex** – The physical structure of one’s reproductive organs that is used to assign sex at birth. Biological sex is determined by chromosomes (XX for females; XY for males); hormones (estrogen/progesterone for females, testosterone for males); and internal and external genitalia (vulva, clitoris, vagina for assigned females, penis and testicles for assigned males). Given the potential variation in all of these (example; XXY females), biological sex must be seen as a spectrum or range of possibilities rather than a binary set of two options.
* **Gender Identity** – One’s inner concept of self as male or female or both or neither. One’s gender identity can be the same or different than the gender assigned at birth. Individuals are conscious of this between the ages 18 months and 3 years. Most people develop a gender identity that matches their biological sex. For some, however, their gender identity is different from their biological or assigned sex. Some of these individuals choose to socially, hormonally and/or surgically change their biological sex to more fully match their gender identity.
* **Gender Expression** – Refers to the ways in which people externally communicate their gender identity to others through behavior, clothing, haircut, voice, and other forms of presentation.

Gender expression also works the other way as people assign gender to others based on their appearance, mannerisms, and other gendered characteristics. Sometimes, transgender people seek to match their physical expression with their gender identity, rather than their birth-assigned sex. Gender expression should not be viewed as an indication of sexual orientation.

* **Gender Role** – Is the set of roles, activities, expectations and behaviors assigned to females and males by society. Our culture recognizes two basic gender roles: Masculine (having the qualities attributed to males) and feminine (having the qualities attributed to females). People who step out of their socially assigned gender roles are sometimes referred to as transgender. Other cultures have three or more gender roles.
* **Transgender** – Sometimes used as an ‘umbrella term’ to describe anyone whose identity or behavior falls outside of stereotypical gender norms. More narrowly defined, it refers to an individual whose gender identity does not match their assigned birth gender. Being transgender does not imply any specific sexual orientation (attraction to people of a specific gender.) Therefore, transgender people may additionally identify as straight, gay, lesbian, or bisexual.
* **Sexual Orientation** – Term that refers to being romantically or sexually attracted to people of a specific gender. Our sexual orientation and our gender identity are separate, distinct parts of our overall identity. Although a child may not yet be aware of their sexual orientation, they usually have a strong sense of their gender identity.
* **Genderqueer** – This term represents a blurring of the lines around gender identity and sexual orientation. Genderqueer individuals typically reject notions of static categories of gender and embrace a fluidity of gender identity and sexual orientation. This term is typically assigned an adult identifier and not used in reference to preadolescent children.
* **Gender Normative/Cisgender** – Refers to people whose sex assignment at birth corresponds to their gender identity and expression.
* **Gender Nonconforming/Gender Variant** – Refers to individuals whose behaviors and/or interests fall outside what is considered typical for their assigned gender at birth. Someone who identifies as “gender nonconforming” is not necessarily transgender. While their expression of gender may fall outside of those considered typical for their assigned birth gender, they nonetheless may identify as that gender nonetheless. Some distinguish between these two terms by how an individual is perceived. That is, a “gender nonconforming” individual may have their atypical expression experienced by others either neutrally or even positively. “Gender variant” might be used to identify an individual whose gender expression is viewed negatively by others.
* **Cross Gender** – Used to describe children who have adopted attributes that transgress the usual socially assigned gender roles or expectation, or who do not identify as either of the two sexes as currently defined.
* **Gender Fluidity** – Gender fluidity conveys a wider, more flexible range of gender expression, with interests and behaviors that may even change from day to day. Gender fluid children do not feel confined by restrictive boundaries of stereotypical expectations of girls or boys. In other words, a child may feel they are a girl some days and a boy on others, or possibly feel that neither term describes them accurately.
* **Intersex** – About 1% of children are born with chromosomes, hormones, genitalia and/or other sex characteristics that are not exclusively male or female as defined by the medical establishment in our society. In most cases, these children are at no medical risk, but most are assigned a biological sex (male or female) by their doctors and/or families.
* **FtM (Female to Male)/Affirmed male/transboy** – A child or adult who was born anatomically female but has a male gender identity.
* **MtF (Male to Female)/Affirmed female/transgirl** – A child or adult who was born anatomically male but has a female gender identity.
* **Gender** – A socially constructed system of classification that ascribes qualities of masculinity and femininity to people. Gender characteristics can change over time and are different between cultures. Gender is often used synonymously with sex, but this is inaccurate because sex refers to physical/biological characteristics and gender refers to social and emotional attributes.
* **Transition** – The process by which a transgender individual strives to have physical presentation more closely align with identity. Transition can occur in three ways: *social transition* through nonpermanent changes in clothing, hairstyle, name and/or pronouns; *medical transition* through the use of medicines such as hormone “blockers” or cross hormones to promote gender-based body changes; and/or *surgical transition* in which an individual’s body is modified through the addition or removal of gender-related physical traits.
* **Transsexual** – Individuals who do not identify with their birth-assigned genders and physically alter their bodies surgically and/or hormonally. This physical transition is a complicated, multi-step process that may take years and may include, but is not limited to, sex reassignment surgery.
* **Transphobia**—Fear or hatred of transgender people; transphobia is manifested in a number of ways, including violence, harassment, and discrimination.

**For the entire report, see:**

Griffin, Pat, & Helen J. Carroll. 2010. *On the team: Equal opportunity for transgender student athletes.* Report co-sponsored by the National Center for Lesbian Rights, the Women’s Sport Foundation, and It Takes A Team! Education Campaign for Lesbian, Gay, Bisexual and Transgender Issues in Sport. Online, <http://www.nclrights.org/wp-content/uploads/2013/07/TransgenderStudentAthleteReport.pdf>

# 6.2. A continuing struggle: Women’s professional basketball in the United States

Before the mid-1990s, there were four attempts to establish professional women’s basketball leagues in the U.S. The most successful attempt – the Women’s Professional Basketball League (WPBL) – lasted three seasons from 1979 to 1981. It included seven teams and highlighted well-known players at the time, and a few well-known male coaches. The league enjoyed limited success but did not make enough profits to continue past the 1981 season.

The league’s failure was generally blamed on the lack of interest among potential spectators. However, there may have been other more important reasons. The league was organized just like pro basketball for men. Games were played in large, high-rent facilities. All of the owners and coaches were men. Most of the coaches had annual salaries of $50,000 or more, whereas the players made between $5,000 and $20,000 (in 1980 dollars). Marketing strategies emphasized male coaches rather than female athletes. Promotions were unnecessarily expensive because they were directed at all people interested in sports rather than those with specific interests in women’s basketball. Marketing emphasized the physical attractiveness of the athletes rather than their basketball skills. Taken together, all these things likely doomed the WPBL to failure, because the league never tapped into potential spectator interest among people with personal connections to girls’ basketball in the United States.

In 1984, a six-team league was established under the name, Women’s American Basketball Association (WABA). The WABA played twenty-two games from October to December before financial troubles caused the league to discontinue its schedule. The National Women’s Basketball Association (NWBA), which played games between October 1986 and February 1987, experienced a similar fate.

In early 1991, the Liberty Basketball Association (LBA) was formed. It was introduced in an exhibition in connection with an NBA game. The players were dressed in Lycra unitards and the rims of the baskets were shortened to 9’2” so the women could dunk and mimic the way men played the game. However, sponsors and investors did not feel that spectator interest was high enough for them to continue funding the league.

As the NBA Board of Governors watched attendance at NCAA Division I women’s basketball games increase from 1.1 million in 1982 to over 4.1 million in 1996, they decided they would endorse a new 8-team WNBA that would play a summer schedule beginning in 1997. All teams were owned by the NBA itself and not its individual franchises. Television deals with NBC, ESPN, and the Lifetime channel helped to popularize the new league. By 2000, there were 16 WNBA teams but three of them did not survive when the NBA sold WNBA teams to their NBA franchises in 2002. Today the WNBA has 13 teams, with only 5 of the original 8 teams are still in existence.

While the WNBA has survived, other leagues have not been successful. The Women’s Basketball Association, an 8-team league was founded in 1993, lasted only two seasons. The 8-team American Basketball League (ABL) for women was established in 1996 but filed for bankruptcy in the middle of its third season (1998). The National Women’s Basketball League (NWBL) was founded in 1997, became professional in 2001, and ceased operation in 2007 – partly because new teams in Russia provided the top players with big contracts and scheduled their season so the players could also play in the WNBA. The Women’s American Basketball Association played one season in 2002 before it ceased to exist.

Despite these failures, the WNBA has now survived 23 years and has a television agreement with ESPN that runs through the 2022 season. This agreement pays each of the 12 teams $1 million per year. But all is not well. TV ratings for the league are very low and the average per game attendance during the 2013 season was only 7,457—and this represented a decline in attendance for six of the twelve teams in the league. Additionally, media coverage is mediocre at best and the league has not developed a critical mass of fans to sustain it.

Another challenge is that former NBA Commissioner David Stern, a strong supporter of the WNBA, recently died and his financial commitment may be reconsidered by Adam Silver, the new commissioner. Without NBA support the WNBA would be in serious financial trouble.

The LA Sparks, one of the most important franchises in the WNBA collapsed after the 2013 season, but the team was revived when a group of investors, including former NBA star Magic Johnson, bought the team. Franchises in Houston and Sacramento have folded in recent years, and the future of the league looked dim when the Sparks closed operations. However, the league has rebounded (no pun intended) from these hard times and has seen its popularity each al all-time high, helped by the vocal support of NBA stars like Lebron James and Chris Paul.

With basketball being the most popular sport in the United States among young people, including girls and young women, it is difficult to explain why the league has not been more successful until recently. Of course, the NBA has had about seventy years to build its game, reputation, and fan base, and it experienced lean times early in its history.

Is the WNBA on the same track today? If it is, it will be the first women’s team sport that experiences long term commercial success in the United States. If it isn’t, it will join many other women’s team sports that have not survived over the long run.

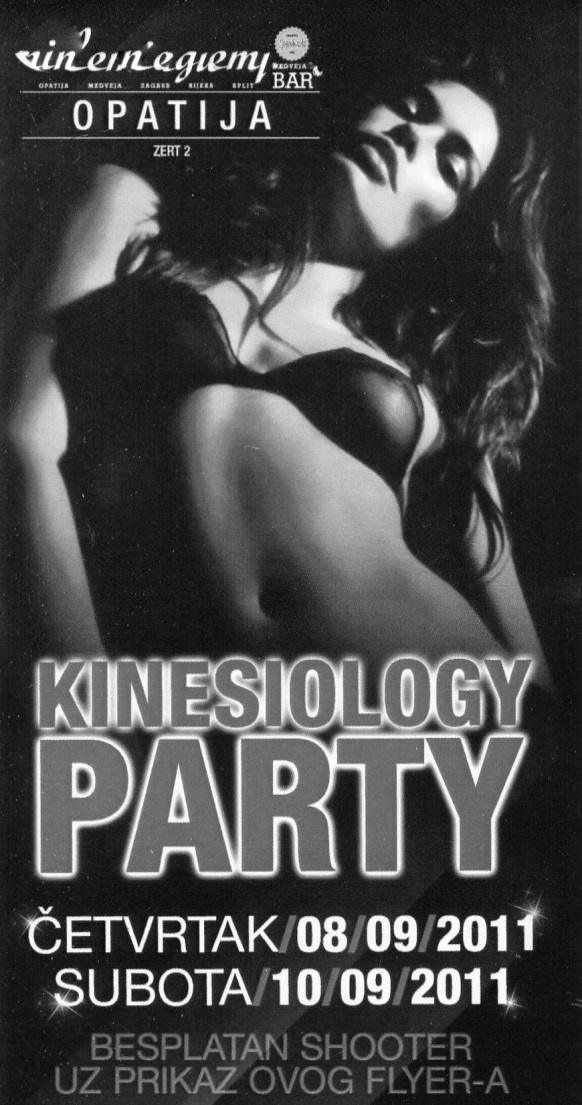
# 6.3. Reasons for men to police gender boundaries: Preserving access to power

Each of us learns gender ideology as we grow up in our families, interact with others, observe social patterns in our experiences, and become comfortable with cultural meanings and norms presented in the media. The depth of our learning increases as we become more aware of our bodies and adopt widely accepted criteria for distinguishing sex and identifying the normative boundaries of masculinity and femininity. For example, if a first-grade boy took off his sweatshirt and discovered that he had put on his sister’s princess t-shirt, his six-year-old peers would “teach” him about the boundaries of heterosexual masculinity by teasing him. In the process, he would learn about dominant gender ideology and how to police its normative boundaries as he chooses his clothing and interacts with his peers.

It does not take long for young children to learn the markers and cues that are used to make sex distinctions in their social worlds. They become very sensitive to the ways of “doing” gender “correctly” and they have few reservations about policing gender boundaries and holding others accountable for the appropriateness of their gender performances. Labels, such as “fag,” “gay,” “sissy,” “girl,” and “lady” are regularly applied to boys or men when their gender performances contradict dominant ideology. Girls and women are called “boys,” “tomboys,” “dykes,” “lesbians,” and other terms to remind them that gender-bending actions cross femininity boundaries are not in step with dominant gender ideology.

Men have more resources and power than women have in society, but maintaining male hegemony (dominance) requires work. Therefore, boys and men patrol and police gender boundaries more actively than girls and women do and they are more likely to sanction those who violate gender norms. When boys or men violate norms and threaten hegemonic masculinity, they may be called sissies, wimps, fags, gays, girls, pussies, ladies, or other terms that deny them the privileges accorded most other men.

Women, on the other hand, have less to lose and more to gain if they push and bend gender boundaries. They also have more social permission to act in masculine ways than men have to act in feminine ways.



***Even men in sport science police gender boundaries. Women attending this conference in Croatia might have wondered where their careers might be going when they saw this invitation to an official Kinesiology party. This event was scheduled by men who were comfortable preserving gender norms that privileged them in the professional association.***

Boys who do not act masculine are mercilessly teased for being “sissies,” whereas girls are praised for being tomboys, at least until they reach puberty and come to be evaluated in heterosexual terms. Men who are ballet dancers and interior designers are less likely to be accepted in most social worlds than women who are soccer players or carpenters.

To test this gender pattern, ask young women if they’ve ever bought clothes in a men’s store or a men’s section of a department store and if they’ve ever worn clothes traditionally defined as “men’s wear.” Most will say that they have done these things. Then ask men if they’ve bought or worn “women’s wear.” Most will be puzzled by the questions, and they will either laugh or become defensive because they are more likely than their female peers to police themselves to make sure they do not cross the boundaries of heterosexual masculinity.

Because being a man increases one’s odds of gaining power and influence in most social worlds, men collectively have more to lose if they do not reproduce hegemonic gender ideology and police the normative boundaries of gender. The men with the most to lose are those who hold power in politics, the economy, religion, education, law, and sports. But even men whose power is limited to the family and other local and small groups often feel that they have a stake in maintaining the ideas and beliefs that legitimize their power and enable them to hold it over time.

Questioning and trying to change gender ideology is personally risky. Research shows that people who initially question or resist widely accepted ideas and beliefs about sex and sexuality are labeled as disruptive, psychologically abnormal, deviant, criminal, or immoral. As a result, questions are usually raised first by those who are systematically disadvantaged by dominant gender ideology and have the most to gain if it is changed. For example, women lead efforts to achieve gender equity, gays and lesbians lobby for rights that are taken for granted by heterosexuals, and many transsexuals have joined intersexuals to challenge the idea that there are only two non-overlapping sexes among humans. Conversely, because heterosexual men often conclude that they have the most to lose if gender ideology changes, many of them don’t question it and they marginalize those who do.

Challenging dominant gender ideology involves pushing normative boundaries that are based on the widely accepted two-category sex and gender classification model. Boys and men accept normative boundaries for masculinity that are narrower and constraining than the normative boundaries of femininity because maintaining hegemonic masculinity gives them greater access to social, political, and economic power.

# 6.4. Using myths to exclude women from sports

The denial of equal opportunities to females has always been grounded in the power relationships between men and women and in complex processes of discrimination and differential treatment. These processes have been so much a part of everyday life in many societies that they have come to be seen as “natural” – as correct and moral ways to do things.

In part, these processes have been maintained by belief systems or ideologies that serve to morally justify the denial of opportunities to females. In the case of sports, these beliefs have often consisted of myths about the consequences of sport participation and the physical and social psychological characteristics of females.

These myths have been scientifically discredited in the United States, but they persist in other societies, especially where the literacy rate among women is low. Here are examples of the myths that created barriers to sports participation among girls and women in the United States through the 1960s and continue to create barriers in some parts of the world:

## Physiological myths

Despite research in physiology and sports medicine, many people worldwide have questions about the risks associated with a female’s involvement in rigorous, competitive sports. In regions where access to education and medical information is low, there are widespread misconceptions, such as these:

1. ***Strenuous participation in sport can lead to problems in childbearing.*** However, data indicate that the physical condition of women athletes is associated with shorter and easier deliveries than other women have, and athletes experience fewer problems such as backaches and chronic fatigue after the birth of a child.
2. ***The activity in many sports events can damage the reproductive organs or the breasts of a woman.*** However, data show that the uterus is a highly shock-resistant organ, much less subject to serious injury than male genitalia. Furthermore, severe bruises in the chest are *not* associated with breast cancer at any stage in the life cycle.
3. ***Women have a more fragile bone structure than men, making injuries more likely.*** However, injury rates for both men and women are primarily the result of poor fitness, naive coaches, carelessness, inadequate training and limited involvement in strenuous physical activities. Additionally, regular physical exercise is beneficial to bone growth for men and women of all ages.
4. ***Intense involvement in sport causes menstrual problems****.* Unless there are special medical problems, a woman’s reproductive system readily adapts to the intense physical conditioning required in elite sports. If training leads to an extreme reduction in the percent of body fat, women may experience some change in their menstrual cycles, the most common of which are secondary amenorrhea (no menses in 6 months) and oligomenorrhea (intervals of more than 35 days between periods). This is because body fat is required to facilitate the production of the hormones that initiate and sustain menarche. When training intensity declines and/or body fat increases, menses will begin or resume regularity. However, amenorrheic athletes often have low estrogen and progesterone levels, a condition that increases susceptibility to osteoporosis (decreased bone density). The fact that some coaches of women’s teams in some sports have used amenorrhea as a condition of team membership (they want women to be “lean and mean”) has made this a particularly serious issue in the past.
5. ***Sports involvement leads to the development of unattractive, bulging muscles.*** Many people have believed that playing certain sports will make women physically unattractive. Even athletes have raised questions about strenuous workouts and physical appearances. However, most evidence shows that physical conditioning gives women more positive body images. The development of bulging muscles depends primarily on the existence of androgens in the body, and few women possess these hormones in the amounts necessary to produce muscular bulges that they or others might define as unattractive in U.S. culture. The popular weight training systems used by most women athletes are designed to strengthen and tone muscles, not to develop the “ripped and cut” look of bodybuilders. It takes special training systems plus androgens to achieve that look.

These five myths may evoke laughter in college classrooms, but college students are familiar with the information needed to refute them. However, some people don’t have access to such information. In the minds of those still believing in these myths, existing patterns of sex discrimination continue to be morally justified and accepted as “normal.” Education usually eliminates these excuses for denying opportunities to girls and women.

## Performance myths

Excluding girls and women from sports has also been justified by arguing that because women are incapable of performing at the same level as men, they should have fewer opportunities and fewer rewards for their participation and achievements. Of course, this argument is self-reaffirming: it restricts opportunities, which, in turn, prevents women from developing their abilities as athletes.

Before puberty, performance differences between boys and girls are the result of experience differences rather than physical factors or performance potential. When experiences are the same, girls have a slight advantage over boys because they mature more rapidly. However, puberty swings the advantage to males.

Hormones and developmental differences lead men (on average) to be bigger and stronger than women. Whenever a sport requires size or strength, the average performance capabilities of women will be lower than those of men. This may be a good reason to regulate the size of people competing with each other, but it is not a reason to deny women opportunities.

One of the observed performance differences people have used to dismiss females as athletes is throwing ability. “She throws like a girl” has been said numerous times by people about to advise an eager participant to give up and try some other activity. Of course, the problem is not that the participant “throws like a girl,” but that she throws like someone who has had little or no experience throwing things.

Throwing may look simple, but it requires considerable practice before it can be done smoothly. Many young boys have been encouraged to throw things since infancy, and their fathers may have played catch with them for countless hours. Those fathers may also have encouraged their daughters in sport, but the encouragement was more likely to take the form of purchasing them swimming or skating lessons rather than playing catch.

The best way to test the effects of these differential experiences is to ask both males and females to throw a ball with their non-dominant arm. Then everyone throws pretty much the same, that is, they look like people who have had little experience.

Even with equal experience, some men will throw a ball further and faster than most women, although they will use the same motion. *On average*, men have more muscle, longer arms, and more bodyweight. The longer arm generates more hand speed and the muscles and bodyweight work together to maximize the force behind the ball; but the experienced, strong woman with a long arm will be able to throw a ball faster than most men.

As experiences and opportunities become equal to those of males, females gradually close the gender performance gap in many sports. The gap will never be completely closed in most currently popular sports, but the differences will more closely correspond to male-female differences in average size and muscle mass.

In some sports, such as those requiring flexibility rather than strength, or those requiring long-term endurance rather than size, women may surpass the achievements of men. If this happens, it would not make sense to deny men opportunities or rewards in these activities. Likewise, it does not make sense to deny women opportunities in other activities because some men may be able to outperform them.

## Social psychological myths

There have also been myths about the social psychological dynamics and consequences of women’s sport participation. For example, some people have believed that women’s participation undermines femininity and that playing with or against males threatens the masculinity of boys and men. Not wanting to interfere with what they see as normal development; these people recommend restrictions in the sport participation of girls and women.

However, ideas about femininity and masculinity are based on prevailing social definitions rather than biological destiny. These ideas are learned through socialization. To the extent that socialization differs from one individual to the next, so do ideas about femininity and masculinity. All such definitions are needlessly restrictive because they deny the members of both sexes valuable human experience.

Women who play sports are not likely to see their involvement as a threat to their self-conception as females. This is either because the prevailing definitions of femininity are irrelevant in their lives or because they see their sport behavior as compatible with their ways of viewing themselves and their connections to the rest of the world.

If women athletes did not think in these ways, they would probably drop out or avoid sport altogether or emphasize stereotyped feminine characteristics in their presentation of self and play down the seriousness of their identities as athletes.

The men threatened by sports competition with women are those whose masculinity is based on their ability to dominate others, especially women, and those who define sports as essentially masculine activities through which manhood is achieved.

# 6.5. Media coverage and journal articles about Caster Semenya and IOC/IAAF rules for intersex athletes.

When Caster Semenya, an 18-year-old from rural South Africa won the 800-meter race at the 2009 IAAF World Championships, several opponents questioned whether she was a female. They said that she was “too fast” and “too muscular” to be a woman. As a result, Semenya was forced to undergo a complex “gender verification” process over the following year. Although Semenya was verified to be female, details of the examination were leaked in ways that embarrassed Semenya.

Between 2009 and the next time Semenya raced in late-2010, she was the focus of a global media discussions of sex and gender. When analyzing this coverage, three scholars in the sociology of sport (Cooky, Dycus & Dworkin, 2013\*) noted that the media coverage in South Africa was very different than it was in the United States. They summarize their findings this way:

. . . United States print media coverage framed the controversy in terms of Semenya’s “true” sex, “medicalized” debates about sex testing, and discussed the limitations of medical assessment of male and female bodies in sport. In comparison, South African print media sources focused on human rights, nationalism, and “strategic essentialism” to frame Semenya as a “true” woman defending the nation against a perceived racist assault.

This analysis showed that ideas about gender and race vary by culture in ways that influence equity and fairness. In “Western” societies definitions of sex/gender are assumed to be scientific and universal whereas in South Africa they are based on local knowledge and experiences. To exclude the latter in sports is to privilege the approach used by people in the wealthy nations of the northern hemisphere. But this maintains the myth that there is a level playing field in global sports and generally reaffirms the dominance of the nations that win a disproportionate share of Olympic medals and world championships.

\*Cooky, Cheryl; Ranissa Dycus and Shari L. Dworkin. 2012. "What makes a woman a woman?" Versus "Our first lady of sport": A comparative analysis of the United States and the South African media coverage of Caster Semenya. *Journal of Sport and Social Issues* 37(1): 31-56.

**Note:** Cooky et al., used many of published stories as references in their article. For the purposes of putting the sheer number of these stories into perspective, an incomplete list has been compiled at the end of the chapter in the Appendix. This are a selective sample of the hundreds of media and journal articles that have dealt with the issue of Semenya, gender testing, and eligibility to participate in women’s sports.

# 6.6. *History, impact, and current status of Title IX*

Title IX is a U.S. law prohibiting gender discrimination in schools that receive federal funds through grants, scholarships, or other support for students. Passed in 1972, the law states that federal funds can be withdrawn from a school engaging in intentional gender discrimination in the provision of curriculum, counseling, academic support, or general educational opportunities; *this includes interscholastic or school-sponsored sports.* Young women today benefit from the passage of Title IX without knowing much or anything about it.

This section provides the background, history, and current status of a law that has changed the face of sports in the United States and influenced women’s sports worldwide. Because it has been so effective in bringing about change, Title IX has supporters *and* opponents, and it continues to create heated debates about the organization and culture of sports today.

## Before Title IX: Play Days and Cheerleaders

Before 1972, sports were almost exclusively a “guy thing” in American schools. In 1971 there were 3.7 million boys and 295,000 girls playing high school sports. For every 12.5 boys on teams, there was only 1 girl on a team. Similarly, out of every dollar spent on high school teams, boys received 99 cents and girls received the remaining penny for their teams.

At the college level, 180,000 men and 32,000 women played on intercollegiate teams in 1971; 1 of every 10 male college students played intercollegiate sports, but only 1 of every 100 female students played on a college team. Women’s intercollegiate programs received only 1 percent of the athletic budget, even though student fees paid by female students and taxes paid by female workers were used to fund intercollegiate athletic programs.

In the pre–Title IX era, most elementary and high school girls played sports only on annual “play days” when track and field events were scheduled for them. Girls were cheerleaders for the boys’ teams, they joined pep clubs and attended games, but very few had opportunities to play on teams like the ones provided for boys. The situation was much the same at the college level. If you know women older than sixty-five (in 2020), ask them to tell you about those days.

## Title IX: A History of Resistance and Progress

In 1972 Congress decided to update the 1964 Civil Rights Act, which prohibited discrimination based on “race, color, religion, or national origin” in public education, public facilities, publicly funded programs, and private companies engaged in interstate commerce. Most congressmen, many of whom had daughters, wanted to extend the law to prohibit gender discrimination in public education, so they passed the Education Amendments to the Civil Rights Act, and President Nixon signed the legislation.

Title IX was a section of the Amendments that applied to educational opportunities in schools. Its purpose was to eliminate gender-based barriers to all programs defined as “educational.” When Title IX was passed, it wasn’t controversial. The women’s movement and the civil rights movement were in full swing, and most people wanted their daughters to have the same educational opportunities as their sons. But, when people realized that Title IX could be applied to sports programs, sparks began to fly.

Gender equity sounded good in theory, but when the men who controlled and played high school and college sports realized that they now had to share their resources with girls and women, many of them objected and claimed that Title IX was unfair to them. “What was *equity?”* the men wanted to know. Did the law mean that boys and men had to give girls and women more than one percent of the total athletic budget? How much more would they have to share? Certainly, “equity” did not mean a 50-50 split—or *did* it? Sharing more than one percent of sport resources, they said, wouldn’t be fair to boys and men because they had come to believe that those resources were “rightfully” and “naturally” theirs. Did “equity” mean that schools should have as many girls’ and women’s teams as boys’ and men’s teams and that the number of female players should equal the number of male players?

The men who controlled sports, and had organized them around their values and experiences, saw the pursuit of equity as a radical, subversive, and destructive concept. They wanted the term clarified, so the Office of Civil Rights (OCR) in the U.S. Department of Education developed a conceptual clarification of the meaning of Title IX.

In the meantime, men at the NCAA and other sports organizations worked to undermine the law because treating women as equals would mean that they would lose some of their control over sport resources and athletic policies. Dividing budgets, teams, and scholarships by two was, in their minds, out of the question. So, they resisted Title IX and pushed to have it repealed.

After receiving nearly 10,000 comments, questions, and complaints about Title IX, the OCR published additional legal clarifications in 1975. OCR officials told high schools that they had one year to comply with the regulations, and universities had three years to comply. But resistance to the law continued to grow as male athletes, coaches, and athletic directors complained that equity could not be measured in legal terms. In response, the OCR in 1979 established three legal tests to assess compliance with Title IX law.

According to the OCR enforcement guidelines, a school legally complied with Title IX if it met *any one* of the following three tests:

1. *Proportionality test.* Equity exists when a school has nearly the same proportion of women playing sports as the proportion of women enrolled as full-time (undergraduate) students. For example, if 51 percent of students in the school are women, women should make up between 46 percent and 56 percent of all athletes – a 5-percentage-point variation in either direction was within legal limits.
2. *History of progress test.* Equity exists when a school has a clear history and continuing practice of expanding its sports programs for female athletes.
3. *Accommodation of interest test.* Equity exists when a school demonstrates that its sports program fully accommodates the interests of female students and potential students (that is, younger girls in the region from which the university recruits students).

This three-part test did not eliminate resistance to Title IX, but it gave people a legal basis for filing lawsuits against schools that did not provide equitable opportunities to play sports. This infuriated Title IX opponents, so they complained to President Ronald Reagan, lobbied men in Congress, and filed suits to overturn the law. When one of those lawsuits reached the U.S. Supreme Court in 1984, the court ruled in a split decision that Title IX applied *only* to programs that *directly* received money from the federal government and, because *varsity sports did not directly receive federal funds,* the law *did not* apply to them. This made the law irrelevant, and the OCR was forced to drop its investigations of nearly 800 complaints against schools charged with violating Title IX.

Title IX was not enforced after 1984, and this led the U.S. Congress to pass the Civil Rights Restoration Act in 1987. This act declared that Congress had originally intended Title IX to be applied to sports programs because school sports were educational. President Reagan disagreed and promptly vetoed the Civil Rights Restoration Act, and Congress over-rode Reagan’s veto in 1988. But men still did not understand what equity meant in sports, so in 1990 the OCR provided an even more detailed guide that explained *equity* in connection with all aspects of athletic programs, such as scholarships, facilities, scheduling, coaching, and other forms of support for athletes, teams, and athletic programs.

In a case filed by a woman against a university, the Supreme Court ruled in 1992 that a person could be awarded monetary damages if she (or he) proved that a school intentionally violated Title IX. This ruling marked a major turning point for women’s sports because it meant that schools could be forced to pay damages if they lost a Title IX case. Before 1992, a school that violated Title IX could only be required to eliminate gender inequities in the future, without being held financially liable for past discrimination. This stipulation limited the effectiveness of Title IX because no school had ever lost any federal funding for violating the law; the OCR had always been more interested in fixing inequities than punishing schools.

As of 2021, this record has not changed: *No school has ever lost a penny of federal money, even though the majority of schools have violated the law for more than thirty-five years!*

After 1992 Title IX was easier to enforce, and the law gained credibility among many Americans in 1994 when Congress passed the Equity in Athletics Disclosure Act. This act required every university with students receiving financial aid from the federal government to provide an annual report containing specific data on athletic participation, staffing, and budgets for all men’s and women’s sports. The purpose of this report was to enable prospective students and their parents to see the “equity record” for the schools they might attend. These data (available online at <http://ope.ed.gov/athletics/>) have opened universities’ equity/inequity records to public scrutiny.

In 2005, the Supreme Court heard a crucial Title IX case and ruled in a 5–4 split decision that a coach who was fired after reporting Title IX violations at his school has the right to sue the school and try to prove that he was fired for making a sex discrimination complaint (Jackson v. Birmingham Board of Education). This decision is important because it protects “whistle-blowers” who identify inequities. However, a week before this decision, the U.S. Department of Education released a letter stating that with approval from the Bush administration it was changing its interpretation of the third equity test – the “accommodation of interest test.” The new interpretation indicated that all schools are presumed to comply with this test if they conduct a web-based survey and do not find a pattern of unmet interests among current female students or if the sports that women wanted to play were not sponsored by nearby schools, thereby making it difficult to schedule competitions.

This move by the Bush administration angered Title IX advocates because it required women students to prove the existence of unmet interest to achieve equity. This, they argued, was a flawed methodology because (1) students don’t take online surveys seriously; (2) women often don’t express their interests in sports in the same ways that men express their interests; (3) women interested in a sport would not enroll in a school that did not offer the sport; (4) college teams recruit athletes for specific sports rather than waiting for them to show up and prove their interest; (5) men’s teams don’t require “interest surveys;” and (6) higher education is supposed to provide contexts in which students *develop* new interests and skills in addition to cultivating existing interests and skills.

Most university administrators recognized that the interpretation made by the Bush administration was deeply flawed and would not stand up in court, so they have not sought equity compliance by using online interest surveys.

## The Sociology of Title IX

As you read these words, the story of Title IX continues. It tells us that the law can be a powerful tool for making changes in society. Between 1971 and 2019, for example, the number of girls playing varsity high school sports increased from 295,000 to about 3.4 million – more than an 1100-percent increase!

Instead of 1 of every 27 high school girls playing on teams, now 1 in 3 girls participate. At the college level, the number of women playing on teams at all four-year colleges and universities has increased from 32,000 to over219,000 – nearly a 700-percent increase! Today, about 5 percent of all female college students play intercollegiate sports. At the same time, more than 4.3 million boys play high school sports and282,000 men play in college.

Another important outcome of Title IX is that many boys and men have learned to see and respect women as athletes – something that seldom occurred before 1972.

The story of Title IX also demonstrates that laws don’t exist in a social and cultural vacuum. Their effectiveness depends on the extent to which people think they are legitimate and necessary. When laws threaten vested interests, ideology, or deeply held principles, people often will resist them, especially if they have the power to do so. This means that the histories of certain laws involve extended struggles over what different groups of people think is important and how they want to organize their lives. Developing consensus about laws that threaten the status quo is seldom easy.

Overall, there is much less inequity in participation opportunities for girls and young women today than in 1972, but sports continue to be organized primarily around the values and experiences of men rather than women. Therefore, struggles over equity and Title IX are likely to continue for some time.

# 6.7. Lost between two categories: The girl who didn’t fit

Physical educator Helen Lenskyj recounts a story told by a woman as she described memories of her gym class in school:

Gym classes were segregated ... I would play with the girls and they always said that I played “too rough.” They said I could play with the girls with my left hand only, or play with the boys. So, of course, I decided to play with the boys ... So, we were in the gym one day and all the girls were lined up against the wall and there I was along with the boys playing [dodge ball]. The girls were really cheering for me and I had this really mixed thing that has stayed with me ever since. I wanted to wipe out every boy in that group and I did, by the way, I won. I was the last person standing. I wanted to win for them, for the girls, for them to see that it could be done. At the same time, what was mixed up with this was this incredible contempt for the girls because they were all in their little dresses and little shoes sitting passively on the side, cheering for me, and I didn’t want to be one of them and yet I knew I was one of them.\*

\*The story appeared in H. Lenskyj. 1994. Sexuality and femininity in sport contexts: Issues and alternatives. *Journal of Sport and Social Issues* 18, 4, pp. 356–376.

This story portrays the feelings experienced by a lesbian who was lost between mutually exclusive categories of gender as gender is defined in terms of the two-category classification system. Interestingly, her sense of herself was more “natural” than the definition of femininity that held the girls in the class on the sidelines. If girls and women are going to feel good about being involved in all types of sports, there is a need for new forms of femininity that recognize diversity as natural.

# Appendix

**Media coverage and journal articles frequently dealt with the ways that Caster Semenya was “gender tested” after other runners, mostly those who participated in the 400-meter run, complained that Semenya was not a real woman.**

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