Storming the Playing Field: Title IX, Social Change, and the Complex Dialogue over Women’s Sports

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While women's rights have dramatically increased over the past century, one culturally pervasive realm still maintains hostility towards women: the realm of sport. While the number of women attending law and medical schools now rivals that of men, the number of female college athletes is still substantially lower. Diverse women’s rights organizations, in the context of continuing the women's rights movement, fight for women’s right to equal sports opportunities, although they are divided along ideological lines. The purpose of this paper is to examine sports law, particularly Title IX, and social change through the eyes of women’s rights activists. Idit Kostiner's article, “Evaluating Legality: Toward a Cultural Approach to the Study of Law and Social Change,” provides the criteria for determining the impact of this movement.

INTRODUCTION

“...and on the seventh day, God did not say 'And men shall have sports,'” declares Mary Jo Kane, University of Minnesota professor and sports sociology expert (National Desk, 1999). And yet, for most of recorded history, sport has been the domain of men. In the Anglo-European context, men invented sports to showcase their strength, speed and competitive nature; sport was, indeed, a sign of civilized society as idealized by the ancient Greeks. Male and female roles changed and differed between generations and cultures, but one constant was sport: a male-only club that literally contributed to the definition of masculinity. In America, it was not until the early twentieth century that women dared to venture into this mysterious and often hostile realm. Class and gender constructions are not easily penetrated. Those who chose to compete did so at the expense of their status in society and their very being as women.

Finally, in 1972, women were awarded by law the same right to participate in high school and college athletics as men. High schools made the transition to equal sports opportunities and funding relatively smoothly. But Title IX, short for the ninth title of the Education Act of 1972, remains, at least in the realm of college athletics, almost as controversial today as it was thirty years ago. Using Idit Kostiner's social change schemas, this paper will examine the degree to which Title IX fulfills the expectations of women's rights activists. I will do this by first describing Title IX, then by discussing the complexities of the actors involved in Title IX promotion and compliance, and finally by applying Kostiner's theory to determine the extent to which society has or has not changed.

TITLE IX

At the mention of Title IX, one immediately and instinctively thinks of women and sports. However, when the act was passed, no one participating in the hearings or floor debates even mentioned sports. The law itself reads, “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 educational programs or activities receiving federal financial assistance” (Cahn 1994, 250). Thus, in discussing Title IX, it is important to read the law in the context of the larger women’s rights movement. While groups or individuals today may use courts or regulatory agencies to force a school into compliance with Title IX, meaning equality in athletics, the act could not initially be isolated from what its backers proposed: overall gender equality in public education. Indeed, Title IX as it is today is the result of both activism in the fields of women’s rights generally and their right to play sports specifically. Further, it is difficult to determine exactly the intent of the law makers, since they never mentioned sports rights explicitly.

Any school that receives government monies must be in compliance with Title IX. This entails that the institution meet one of three “prongs,” formulated by the Office for Civil Rights (OCR) at the U.S. Department of Education:

Prong 1 The percentages of male and female athletes must be substantially proportionate to the percentages of male and female students enrolled.
Prong 2 The institution must have a history and continuing practice of expanding athletic opportunities for the under-represented sex.

Prong 3 The institution's athletics program fully and effectively accommodates the interests and abilities of the under-represented sex.

The prong test was implemented just under a decade after the passage of Title IX, and has been upheld by all eight federal appeals courts that have considered it (National Coalition for Women and Girls in Education 2002, 2). Although the OCR released a statement in 1996 proclaiming Prong 1 to be the "safe harbor" and the clearest way for schools to comply (Schreiber 2002, 339), the First Circuit Court of Appeals that same year reiterated the validity of all three Prongs (Cohen v. Brown 1996). Thus, from 1994-1998, 25 percent of schools complied with Prong one, five percent with Prong two and 66 percent with Prong three (NCWGE 2002, 4).

Because Title IX is a federal law, an offending institution may be brought to federal court to force compliance. It is important to note that, under Title IX, anyone may bring suit against an institution they believe to be in violation of the law; they need not provide any evidence of harm (or "standing" as the legal community understands it). This provision certainly opens the doors for a wide range of petitioners.

**TITLE IX ACTIVISTS**

Title IX activism sees two main types of actors: feminists and athletes. Feminism, loosely defined, is "organized activity on behalf of women's rights and interests" (Mish ed. 2000, 280). While not all proponents of Title IX would identify themselves as feminists, they are nonetheless engaging in activity on behalf of women's rights. Recognizing also that not all who consider themselves feminists support Title IX, it is still the most descriptive term for these activists. As for the individual athletes who fight for their discrete right to play, they are perhaps less social crusaders than self-interested players. They are not as concerned with women's right to equal access to school sports as they are with their right to equal access. Often, their fights are absorbed by the resources and organization of women's groups. Because athletes tend to be supported by women's organizations, and because one does not have to be an athlete to bring a suit against a violating institution, this paper will focus primarily on the feminist activists.

While some of these activists may not agree with the term feminism, they nonetheless fit somewhere in the hundreds of groups of feminists. Categories of feminists include but are not limited to liberal, radical, Marxist, socialist, psychoanalytic, existentialist, postmodern, global, and eco- feminists. It would be impossible to discuss how each of these groups view Title IX. While these groups often exhibit wide differences in terms of ideology and application, it is important to keep in mind that they are not essentially divided on all issues, nor are they necessarily in opposition to one another. For the purpose of simplification, I will divide these activists into two very general categories: liberal feminists and difference feminists.

Liberal feminists root their approach in the classical liberal theory provided by such thinkers as John Locke and John Stewart Mill. These philosophers were primarily concerned with law and its role in society. They essentially saw humans as "blank slates" with no real natural tendencies other than survival. People are then able, in a free society, to thrive and reach their full potential. These were decidedly masculine views of freedom; when Locke and Mill said "men are free," they literally meant "men." Altering these theories to fit their experiences, early liberal feminists believed that men and women are equal as "blank slates"; women are only different from men because they have been systematically denied resources and opportunities. To them, the concept of femininity was a socially-constructed myth, reinforced by Anglo-European laws and established by men to keep women in their proper "sphere." Liberal feminists argue that a woman, once she became conscious of her subjection to men, could "liberate herself individually by 'throwing off' her conditioning and 'unilaterally' rejecting 'femininity'" (Tong 1998, 44).

Today, liberal feminists recognize that conquering gender inequality requires far more than the individual efforts of women: indeed, the movement of society as a whole must be committed to the cause (Tong 1998, 44). Still, liberal feminists generally feel that women's status can be ameliorated by ensuring, by law, equality between men and women. As Rosemarie Putnam Tong (1998, 44) put it, "We owe to liberal feminists many of the educational and legal reforms that have improved the quality of life for women. It is doubtful that without liberal feminists' efforts, so many women could have attained their newfound professional and occupational status."

Difference feminists are likewise as concerned with women's place in society, but they approach it from a vastly different angle. The "blank slate" concept is absolutely rejected by difference feminists, who believe that women are inherently different from—inde some circles, even superior to—men. Difference feminists hold that these differences are natural; they cannot and should not be overcome. Instead, women's different and distinct virtues should be valued for what they are, instead of being culturally and systematically devalued. An oft-cited example of the devaluation of femininity is when a little girl wants to play with trucks or throw a football around, she is considered a tomboy and it is acceptable, if not cute. But if a little boy wants to play with dolls or makeup, it is cause for alarm. In American culture, it is fine for a female to want to be androgynous, even "masculine," but that which is "feminine" should be actively avoided by all males. Whereas liberal feminists see "masculine" abilities as the "norm" and the "good," exactly the characteristics the law should allow women to develop, difference feminists are con-
concerned with elevating the status of "feminine" aptitudes and abilities. Radical-cultural feminists, one of the defining groups in difference feminism, reject "the idea of androgyny [the goal for liberal feminists] as a desirable goal for feminists, replacing it with a proposal to affirm women's femaleness." Thus, women should not try to be like men" (Tong 1998, 47).

It is important to understand how liberal and difference feminists view interest rhetoric. Liberal feminists argue that interest is a function of opportunity and exposure because much of the argument surrounding Title IX is rooted in the concept of interest. Interest is the result of nurture, the experiences people have. If a man is more interested in sports than a woman, it is because that man had more opportunities and encouragement to play sports than that woman. Conversely, difference feminists see interest as innate. If women really are less interested in sports than men–there is considerable debate over whether or not they are–it is because they are biologically programmed that way, and interest is not something they should be encouraged to alter.

Regardless of the work done by either feminist camp, viewing Title IX in the context of the larger women's rights movement may indeed show the law has not, in and of itself, been the source of any change. Essayist Cathy Young (2001, 23) contends:

It's hard to tell how much credit Title IX should actually get for the growth of women's sports. In 1971, prior to the passage of this law, girls made up about 5 percent of high school athletes. Today they make up nearly 40 percent. But the influx of women into other formerly male bastions, such as medical and law schools, has been equally spectacular without any government mandates. Given the cultural changes of the past 30 years, the popularity of girls' and women's sports would have skyrocketed, with or without government intervention.

But even with the momentum of the women's rights movement, a familiar theme among all feminists concerned with women's athletic rights is that sports are the "final frontier"; the last great stronghold for resistance. Susan Cahn, author of Coming on Strong: Gender and Sexuality in Twentieth Century Women's Sports (1994, 251), observes, "Even before the passage of Title IX...lawyers had filed numerous lawsuits on behalf of female high school students," although it was for "access to boys' teams in the absence of school teams for girls" (emphasis added). These cases obviously were inadequate. Cahn (1994, 251) also states that, "Title IX's...clearly stated stance against discrimination advanced a principle of equality [to federally funded educational institutions] which women's advocates would attempt to apply throughout amateur and professional athletics." Interestingly, Title IX as a law did not at first yield great results because it was only haphazardly enforced until the 1980s, when the Civil Rights Office of the Department of Education imposed the prongs (Young 2001, 23). And again, according to Kostiner, the degree to which Title IX has changed society depends on the activist doing the evaluating. Therefore Title IX's influence is worthy of discussion, especially from the viewpoints of its supporters.

KOSTINER'S SOCIAL CHANGE SCHEMAS
The complex nature of these diverse activists working to improve women's status in society warrants a close look at social change theory. Because Title IX is a statutory law, not common or constitutional law, popular social change writers like Rosenberg (1991) and McCann (1994), who focus primarily on judicial rulings, are less applicable in this situation. Further, "both [Rosenberg and McCann's] perspectives on law and social change do not explore systematically the ways in which social justice activists conceptualize social change and the extent to which this conceptualization shapes their understanding of the role of law in social change" (Kostiner 2003, 324, emphasis preserved). Kostiner (2003, 324, 329) points out that "the current literature does not give us a good account of how culture works in the interaction between law and activism for social reform" and that "the role of law in social change is a social construct that is constituted by the meanings that people assign to it in everyday life." In response to this void, Kostiner (2003, 324) studied a sample of social justice activists and concluded that there are three distinct cultural schemas, each with a different understanding of activism. The instrumental schema "emphasizes the need of marginalized people to have concrete resources such as jobs, health care, and quality education"; the political schema "emphasizes the need of marginalized people to be empowered, united and politically mobilized"; and the cultural schema "emphasizes the need to transform the taken-for-granted assumptions that are shared by all members of society."

Activists who invoke the instrumental schema see the individual as the primary unit of activism. Their goal is to make sure "members of these [marginalized] communities have their basic needs met" (Kostiner 2003, 335). Usually these "basic needs" are material in nature, but "the instrumental schema is not limited to material demands... The boundaries of the instrumental schema are not defined by a traditional distinction between material and non-material resources. This schema includes both types of resources as long as they are presented as something people need" (Kostiner 2003, 335-36). Instrumental schema activists, motivated by altruism, use direct service and policy advocacy to help disadvantaged people. Success for them is "concrete solutions to concrete problems," with "specific and measurable results" (Kostiner 2003, 337, 348). They realize and accept that the results of their labor are generally short-term—donated food is eaten, donated money spent—and they are inclined to be drawn to objective quantifications of change: number of people being given food or health care, amount of money allocated to help their cause (Kostiner 2003, 337, 339). Law, under the instrumental schema, is an important tool for social change that may ultimately provide for an equal allocation of resources, but activists also cite the
problems with a legal system that requires large amounts of both time and money (Kostiner 2003, 349-50).

Activists under the political schema “understand social injustice as primarily related to oppression” (Kostiner 2003, 339). While activists invoking the instrumental schema focus on individuals, activists invoking the political schema focus on group power, expressing an “us versus them” mentality. Kostiner explains, “this approach involves recognizing the boundaries of each group, defining its identity, and distinguishing it from other groups. It also involves identifying the ‘enemy’” (Kostiner 2003, 339). The motivation for these activists is anger. They see themselves as victims of oppression and are compelled to act. They aim to build a force through community organization that will create a political movement. Rallies, marches, conferences are all employed by activists under the political schema to raise awareness and convince others to join the cause. Success for them is measured by the number of people organized to “fight common enemies” and “shift the power balance” (Kostiner 2003, 341-42). While activists who invoke the instrumental schema see law as a helpful tool, political schema activists believe that the law is simply an extension of the unquestioned hegemonic power of the state. However, law is hard to ignore as a powerful social structure, and political activists concede that it may be used to reverse oppressive practices, especially if legal tactics are used in addition to grass-roots organization (Kostiner 2003, 352-53).

Kostiner’s third schema describes cultural activists as those who “view social injustice as rooted in people’s unconscious and taken-for-granted assumptions.” For these activists, the goal of activism is “to expose and then to change those cultural biases that are deeply ingrained in the general social consciousness” (Kostiner 2003, 342). Activists under this schema reject both the instrumental schema’s focus on individual needs and the political schema’s rhetoric on social power. Instead, the cultural schema activists concentrate on changing cultural assumptions. Such activists are motivated by recognizing the subtleties of prejudices in their own thoughts, which leads them to desire the eradication of such thoughts in themselves and others. Such social change can only be accomplished through education and training, and is therefore a long-term and incremental process (Kostiner 2003, 344-45). Success according to the cultural schema is the transformation of thoughts. As it is extremely difficult to prove that peoples’ thoughts have changed, activists invoking this schema “point to a process [which] begins with recognizing unconscious biases, continues with changing those biases, and ends with changing actual practices” (Kostiner 2003, 346-47). Kostiner (2003) points out that although the political and instrumental schemas have opposite views of the law, they see the relationship between law and social change as a means to an end. Completely removed from these views, the cultural schema sees law as being marginal to activism. This view is justified by the notion that “cultural acceptance is something that cannot be legally mandated but rather has to emerge out of free will” (Kostiner 2003, 353-54).

**LIBERAL FEMINISM AND THE INSTRUMENTAL SCHEMA**

Liberal feminists are very concerned with the equal allocation of resources. It is, in fact, their primary function of activism. But aside from this single but important tenet, liberal feminists active today are not as likely to invoke the instrumental schema as were their predecessors, who were more focused on individual rights. Today’s liberal feminists are not necessarily concerned with individuals’ needs, especially not direct, concrete needs nor short-term solutions. While women’s rights may fit Kostiner’s “non-material needs” (2003, 335, emphasis preserved), and earlier liberal feminists may have invoked the instrumental schema in response to these needs, college women wanting to play sports presently may or may not qualify as “disadvantaged.” At the university level, many female athletes have access to and are aware of a number of resources, from student advocacy groups within colleges to women’s organizations outside, although race and class bias may further hinder progress for women. Still, liberal feminists working for these rights probably are not motivated by service, nor do they see themselves fixing the problem by engaging in service, although policy advocacy has been and continues to be popular. The instrumental schema, with its focus on individuals, may actually fit athletes as activists better than it does feminists.

Title IX has greatly increased women’s sports opportunities even if the allocation of resources is not entirely equal. Women participants in college level athletics has pullulated from 29,977 athletes in the year Title IX was passed to 150,916 in the school year 2000-2001, a 411 percent increase (NCWGE 2002, 6). However, men still have a higher participation rate, with 208,866 athletes in 2000-2001. This rate reflects the 38.4 percent more athletics opportunities men have than women at the college level (NCWGE 2002, 33). Consistent with the increase in female athletes is the rise in the number of women’s teams, with 3,784 gained from 1981-1982 to 1998-1999. The number of women’s teams now surpasses the number of men’s teams by 330, which is due largely to the fact that men’s football teams are so large, often around 122 members (National Desk 1999). Likewise, the total funding for women’s NCAA Division I-A collegiate athletic programs is up from a negligible amount in 1971 to $3.74 million in 1999, but is still below men’s spending of an astounding $9.54 million that same year (NCWGE 2002, 8). When it comes to scholarships, NCAA Division I and II men in the school year 1999-2000 received a significant $505,761,800 to their female counterpart’s $372,476,500, an advantage of 36 percent. Still, compared with the scholarships granted to women pre-Title IX, women have indeed fared better (NCWGE 2002, 35).

To conclude, liberal feminists who invoke the instrumental schema could viably point to the drastic increase in
the number of female college athletes and teams, money for their scholarships, and overall funding as signs of success. While the allocation of resources is not equal, it has improved in a large and quantifiable way.

**LIBERAL FEMINISM AND THE POLITICAL SCHEMA**

Contemporary liberal feminism is definitely more compatible with the political schema than the instrumental schema. The whole women’s movement, of which Title IX is a part, is basically a power struggle, pitting the groups of men and women in a fight for rights and resources. Men traditionally make laws and are still over-represented in all legislative branches. Feminist activists see these men as continually trying to keep their place in power by limiting what women can do. Without a doubt, this is the “us versus them” mentality Kostiner (2003, 339) describes. Feminists, viewing women as a marginalized group, not merely individuals, head the formation of organizations to advocate everything from reproductive rights to voting rights, property rights to workplace rights, and of course the right to equal access in education and sports.

Anger, what Kostiner identifies as the motivation for political schema actors, is a strong motivating factor for women who feel they are denied the opportunity to work, play or otherwise go about their desired business. Feminists develop this anger as a result of gaining “consciousness,” as one feminist defines it:

> awareness of women that they belong to a subordinate group; that they have suffered wrongs as a group; that their condition of subordination is not natural, but is societally determined; that they must join with other women to remedy these wrongs; and finally, that they must and can provide an alternate vision of societal organization in which women as well as men will enjoy autonomy and self-determination (Lerner 1993, 14).

Lerner defines women as a group, the same approach political schema activists take, rather than as the relatively isolated individuals the instrumental schemists see. Her argument is based on the assumption that women—or any other subordinate groups—who realize they are systematically disadvantaged will reject that position. Enraged by a sense of injustice, women are willing to organize and fight for their rights.

Women’s organizations achieved great success in meeting their desired political goals. Suffrage was a major victory for women, making it easier for other women’s groups to push their agendas. Progress, in the form of laws and social policies, occurred through the use of rallies, marches, conferences, petitions and the like. In this way, the “potential of using law strategically as a counterhegemonic strategy” was met (Kostiner 2003, 353). This also means Kostiner’s (2003, 341-42) criteria of mass movements; however, these days the focus is less on actually establishing new women’s rights than it is on maintaining and expanding what they already have. While modern liberal feminists realize the importance of banding together, the “mass” of the movement from previous decades has evolved into several large women’s groups (National Organization for Women, National Women’s Law Center), and hundreds of smaller groups that function primarily at the grassroots level—without the emphasis on, or real need for, scores of rally goers (Ferree and Martin ed. 1995, 16-18). Title IX violations are often dealt with by larger organized groups backing a petitioner, usually an athlete, in court to force an institution to comply with the law.

An example of such courtroom activism is evident in Cohen v. Brown University, an important case in upholding Title IX which tackles the issue of interest from a liberal perspective: “Interests and abilities rarely develop in a vacuum; they evolve as a function of opportunity and experience. Women’s lower rate of participation in athletics reflects women’s historical lack of opportunities to participate in sports” (NCWGE 2002, 7). Another author notes that “it is not logical to posit a lack of interest in college sport participation on the part of female athletes when far fewer than 200,000 participation opportunities exist [at the college level] and 2.7 million high school girls are participating” (NCWGE 2002, 7). In this arena, liberal feminists invoking the political schema would argue that Title IX has made significant strides toward equality, but more attention should be focused on Prong 1. Because liberal feminists understand people to be “blank slates,” they see men and women as having the same potential for being interested in sport. In this context, Prongs one and three are essentially requiring the same thing. Thus, there is no reason why historically providing more opportunities for women (Prong two) should be acceptable when a school’s student population is 56 percent female but its athletes are 56 percent male.

**LIBERAL FEMINISM AND THE CULTURAL SCHEMA**

From the perspective of the cultural schema, Title IX, despite its contribution to the increase in women’s sports, is insufficient because women athletes are still treated as inferior to male athletes in the ways they are presented colloquially and portrayed in the media. For example, according to Kim Ode (1999, 67),

> The Minnesota Department of Children, Families and Learning is urging several schools to drop the term ‘lady’ from their team names because ‘the term is diminutive and perpetuates a form of sex discrimination,’ and because teams don’t need to be differentiated by gender.

Ms. Ode is a liberal feminist; her remark that teams “don’t need to be differentiated by gender” is telling. She is also concerned with how people are thinking, an element of the cultural schema, given her focus on language. And she describes a role for educational departments leading the charge. She concludes,

> The issue needn’t degenerate into a knee-jerk debate over whether a term is sensitive or callous, prescient or prehistoric. But it’s worth keeping in mind the principle of parallelism. If you refer to members of one group—whether they make up an athletic team or an accounting department—as ladies, then
their counterparts should rightly be called gentlemen. “Girls”

What she is getting at is the way language influences and rep-
resents thought. If the hegemonic structures keep telling
female athletes that they are “ladies,” they will never be seen
as the strong, talented competitors they are because they
remain ingrained in peoples’ minds as passive, proper crea-
tures.

A crime equally as heinous to these activists as subordi-
nation through language is the lack of attention and negative
attention given to female athletes in the media. One author’s
hypothesis is that, due to the ever increasing numbers of girls
and women entering the realm of sports, females are experi-
cencing a social backlash arising “in part from a desire to pre-
serve an ideology of male superiority” (Harvard Law 1997,
1629). This backlash takes three forms. First, “women’s
sports continue to be minimized and trivialized by unequal
media coverage and community support” (Harvard Law 1997,
1629). Evidence of inequality includes that “both print and
broadcast media...devote less than ten percent of sports cov-
erage to female athletes” (Harvard Law 1997, 1630). Along
the same lines, female events are “often scheduled during the
afternoon, a time that both prevents many potential spec-
tators from attending and sends the message that women’s and
girls’ sports are not important” (Harvard Law 1997, 1630).

Second, “female athletes are increasingly sexualized by the
media, local communities, and even themselves in an
attempt to minimize the threat they pose to traditional con-
cepts of femininity and masculinity” (Harvard Law 1997,
1629). Indeed, this sexualization runs rampant in sports coverage.
For example, Sports Illustrated On Campus named the
University of North Carolina’s women’s soccer team the
“greatest college sports dynasty ever,” noting that the Tar
Heels have won four out of every five national championships
(Ballard 2003: 18). This seems like a victory, until one reads
the article. Appalling, the author, in describing the team’s
off-field antics, includes the quote of one “blissful” male stu-
dent manager describing how another manager missed out on
celebratory after-game lap-dances from the players (Ballard
2003, 20-21). Although the postscript assures the reader that
the dancing was “PG-13 at worst,” this is supposed to be an
article about the greatest college sports dynasty ever. Many
male athletes are known for their sexual exploits, but women
are not simply mirroring their male counterparts in this ex-
ample because they remain the sexual objects. What did the lap-
dancing comment add to the article? That men have noth-
ing to fear from women, talented soccer players though they
are.

The final form of this backlash is that “female athletes are
increasingly portrayed as gaining sports opportunities only
at the expense of funding for male athletes” (Harvard Law
Review 1997, 1630). This is probably the single greatest con-
troversy over Title IX. Schools unhappily compelled to com-
ply with Title IX often cut small mens teams, often wrestling,
gymnastics, or baseball, to balance the ratio of male-to-female
athletes rather than add women’s teams or control bloated
budgets of football and men’s basketball—and make Title IX
the scapegoat. These situations generate a lot of attention
and bad press for Title IX, even though the law itself does not
encourage this practice. Despite this practice, NCAA
Division I and II colleges gained more men’s teams than they
lost during the thirty years since Title IX’s enactment
(NCWOGE 2003, 11).

Activists who follow the cultural schema may tend to dis-
regard Title IX as just a law, not a true agent for social change.
Yet some may emphasize the indirect effects Title IX has had
on culture. Because it is implemented in schools, students are
exposed to athletics opportunities for both sexes from an early
age, and that may have contributed to growing acceptance of
women in sports, even if cultural degradations have not been
totally eradicated.

DIFFERENCE FEMINISM AND THE INSTRUMENTAL SCHEMA
Kostiner, in her article, brings up a fascinating idea:

My data indicate that the three schemas represent stages of
evolution. Individuals and social movements seem to evolve
from the instrumental schema to the political schema to the
cultural schema. At the same time, all three schemas exist
simultaneously in the lives of individuals and social move-
ments. While they may appear in different proportions at dif-
ferent times, still at every moment of our lives all three
schemas coexist (2003, 364, emphasis added).

At first glance, difference feminism and the instrumental
schema are a poor fit. As we will see later in our discussion
on difference feminism and the cultural schema, difference
feminists tend to focus on language, culture, and education.
More specifically dealing with sports issues, difference fem-
inists are hesitant to encourage women to engage in sports
designed for and by men. However, in the way Kostiner’s
schemas may exist simultaneously, liberal and difference fem-
inism may coexist while engaging in instrumental and politi-
cal service. Claire Reinelt, in her article “Moving into the
Terrain of the State: The Battered Women’s Movement and
the Politics of Engagement,” argues that, while difference
feminists and liberal feminists began with different ideals and
strategies of activism, the boundaries between them have
since become blurred. She notes the number of “self-defined
feminists [who] moved into positions of power within bureau-
cratic structures,” a move directly antithetical to difference
feminists’ non-political focus, and “liberal feminist organiza-
tions...[that] adopted proposals that required more than legal
reform” as evidence that liberal feminists recognize a need for
cultural progression (Reinelt 1995, 84-85). In the process of
blurring boundaries between liberal and difference feminism,
these activists blurred also the lines between the instrumental
schema’s focus on resources with the “us versus them” men-
tality that partially characterizes the political schema (Reinelt
1995, 91). Reinelt’s example in her analysis is the battered
women’s movement, when feminists of all kinds united to
advocate for women who had lost their voices to abuse.
article makes it clear that difference feminists do engage under the instrumental schema; however, there is little evidence that they do so for the sake of women’s sports. There are many ways in which difference feminists, as a distinct category, theoretically reject the instrumental schema.

Difference feminists, who view interest in sports as innately different between men and women because sports are designed by men, are not likely to be concerned with equal allocation of resources because interest is not allocated equally: the “disadvantaged” group may not want the goods or opportunities, and redistribution may even disadvantage the “advantaged” group. Replace the word “fair” with “equal,” however, and difference feminists are more likely to subscribe. Even so, difference feminists reject short-term solutions.

It is important not to confuse difference feminists and conservative women’s organizations. The Independent Women’s Forum (IWF), a conservative women’s group, for example, argues against Title IX “that it is women’s relative lack of interest in sports, not discrimination, that creates discrepancies in the numbers of male and female athletes” (Schreiber 2002, 339). Many conservative women take issue with Title IX’s Prong I, the proportionality prong. Calling it a quota, the prong allegedly punishes men for having more interest—inherent interest—in sports than do women (Gavora 2002, 135-36). These women activists find it unacceptable that the OCR declared Prong I as the only “safe harbor,” since no entity should put a “quota” on interest. While there is considerable debate in scholarly literature about who speaks for women, the purpose of this article is to examine feminist activism and Title IX. I acknowledge the presence of such conservative groups in the debate over women’s sports, but the issues they address, and whether or not they truly speak for women’s interests, are beyond the theoretical boundaries of this article (see Schreiber 2002).

DIFFERENCE FEMINISM AND THE POLITICAL SCHEMA

Difference feminists may embrace the political schema for its focus on group power. By definition, difference feminists are concerned with elevating the status of women as a group, not to the same status of men, but to their own status equal to men. Often motivated by anger like their liberal feminist counterparts, difference feminists are also the products of “consciousness.” In fact, the political schema operates very much the same for difference feminists as it does for liberal feminists, assuming said difference feminists are for Title IX as a policy.

The major division of the two groups would arise in the evaluation of success. For liberal feminists, Title IX has successfully perpetuated their definition of power to some degree. The same may be true for some difference feminists invoking the political schema, as success for women in sports competitions may translate into success for women in the competitive business or political world (Cahn 1994, 279). It may be that women’s sports create an empowering and bonding environment for the women who participate. Conversely, others may point out that Title IX has not translated into high-paying athletic careers for women as a group, the way college athletics do for men. Still others may abstain from or oppose Title IX activism entirely because they believe women simply do not, should not, want to participate in sports designed by men.

DIFFERENCE FEMINISM AND THE CULTURAL SCHEMA

The government-funded Women’s Educational Equity Act website notes, “Simply providing equal access does not challenge either the many deep-seeded social beliefs about females and males and their respective abilities or the widespread practices that perpetuate stereotypes” (Gavora 2002, 133).

As it pertains to women’s sports, difference feminists invoking the cultural schema are aware that sport is usually conceptualized as a competition for the fastest, strongest, biggest. Fast, strong and big, highly valued attributes in American society and culture, are largely masculine traits. The problem is that American culture places little value on flexibility and endurance, physical attributes that are “feminine,” where women generally outperform men. These feminists may or may not support Title IX, but they certainly do not believe it will better women’s situation because college women often participate in sports that perpetuate the values of speed and strength. To feminists invoking the cultural schema, the only way to better women’s station is to change the way people think through the process of education as described by Kostiner (2003, 346).

Language is a huge concern for difference feminists invoking the cultural schema. For example, in the November 2003 issue of Sports Illustrated On Campus, one author quoting University of North Carolina’s top female soccer player, specifically describes her voice as “raspy” (Ballard 2003, 22). To difference feminists invoking the cultural schema, whether or not the player’s voice was raspy does not matter. What does matter is that the author, probably unconsciously, drew attention to her “masculinity.”

CONCLUSION

Title IX’s role in the women’s movement is as complex as the activists pushing for and against it. Interest, as a product of either nature or nurture, plays a vital role in understanding these activists and their definitions of success. To liberal feminists invoking the instrumental and political schemas, Title IX is a helpful, if not complete solution to the problem of gender inequality. Liberal feminists invoking the cultural schema may recognize Title IX’s indirect effects. Difference feminists are less likely than liberal feminists to embrace Title IX because they would prefer cultural change toward the creation of sports designed by women and the acceptance of women through language and the media. Even difference feminists who are for women’s opportunities in current sports are not as likely to look kindly on Title IX because it seems to better fulfill the liberal goal of androgyny. And for all activists invol-
ing the cultural schema, and increasingly those who use other schemas, policy has at best indirect effects on the intense backlash women athletes experience from the media, sports administrators, and the general public. If education is the key, hopefully college administrators can embrace Title IX as a symbol that women are entitled to equal attention and resources, whether women choose to play “men’s” sports or design their own.

REFERENCES


