Title IX and the Law of Unintended Consequences

by Larry Schweikart

A recent debate over obesity featured James Glassman, an American Enterprise Institute resident fellow, defending the fast-food industry and Shannon Brownlee, a New America Foundation senior fellow, complaining “not only is your local, state and federal government not doing anything about this disease—anything credible about it—but they are actually promoting this disease through taxes and other policies.”1

What Brownlee and other big-government advocates mean is U.S. tax policy through which, she alleges, “we allow the advertising of all kinds of food to children.” Tax policy that allows companies to advertise is responsible for obesity.

Unfortunately for Brownlee, a program likely to be much closer to her heart may have in fact made women fatter. It was in one sense unforeseen—but anyone who knows how government programs boomerang could have predicted that this program would have unforeseen results. In fact, the results were diametrically opposite those (supposedly) claimed by the proponents of the law in the first place.

What law am I referring to? Title IX, the famous “women’s equality” measure passed in 1972 as a federal education amendment. Conventional wisdom is that Title IX enhanced women’s fitness by prohibiting sex discrimination in any sports program receiving federal funding. This presumably applied to virtually all public schools and most private schools that accepted federal scholarships or grants. In theory Title IX required colleges and universities by 1978 to fund such programs as women’s soccer, basketball, and lacrosse if it funded men’s football, basketball, and baseball. Never mind that aside from women’s basketball, no one watched those sports, while literally millions of people turned out to watch NCAA men’s football. This was about equality . . . and fitness.

Except for one small problem. It now appears that Title IX has damaged women’s fitness in ways never imagined. One need not endorse government schools to see that if fitness is a stated goal of those schools, then Title IX has undercut that goal by elevating “higher” social objectives of “inclusiveness.” The Law of Unintended Consequences strikes again.

Colleges are the last stop and thus the least fruitful place to see what has happened to women’s fitness. Let’s look at the public schools K-12 instead, and let’s examine California as a case study. To accommodate Title IX, schools had to ensure that girls had as many resources as boys did when it came to locker rooms, physical-education (PE) classes, access to sports fields, and most important, faculty/coaching time. With the redistribution of resources—in essence, twice as many students with only a fraction of faculty time.

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more resources—schools had to make a choice. California responded by lopping off mandatory PE classes as part of its curriculum. In 1976, attempting to comply with Title IX, junior and senior high school students of both sexes were exempted from physical education, and within a year, an internal California survey found that “staffing has been reduced and teaching methods changed as a direct result of the new programs.”

The point here is not that ending mandatory PE classes is a bad thing, but that from the vantage point of the advocates of Title IX, it was an undesirable unintended consequence.

The repercussions rippled through the schools. The number of juniors and seniors taking PE declined by about 50 percent. A 1980 Department of Education survey reported that “about 40 percent of schools . . . perceive that [Title IX] has caused program quality to decline.” Specialized female coaches for soccer, tennis, swimming, and other sports were needed, and due to the pressures of Title IX they often could coach such sports almost exclusively. With shrinking funds, general PE courses were cut. Ironically, not only were a large number of girls now penalized so that a small number could play highly specialized sports, but the burdens broke down along class lines. Generally (and despite the misleading images provided by largely black NBA teams), poorer people exercise less than wealthier people, and non-whites, especially African-Americans and Hispanics, exercise less than whites. Most strikingly, the Center for Disease Control found in a 1994 study that the greatest disparity was between white girls and black girls, where more than 77 percent of the white girls said they exercised hard at least three times a week, while less than 70 percent of black girls reported doing so.

Meanwhile, a stunning rise in body fat (measured by body mass index, or BMI) was occurring. Between 1966 and 1994, obesity based on BMIs among youth rose from 7 percent to 22 percent, and at the “top end” (literally) of the scale, the morbidly obese (larger than 95 percent of their peers) were growing disproportionately. Only one out of five students in California schools could pass minimum standards for the state’s physical fitness tests—which themselves had been “dumbed down” in the wake of Title IX.

As the elite female athletes (mostly white and upper-middle class) benefited from Title IX, “average” kids (especially minorities) paid the price with less physical exertion in schools. Literally, female sports programs were funded on the bellies and thighs—not the backs—of the poor.

Standards Attacked

At the same time, measurement mechanisms to evaluate health and fitness were coming under attack for being racist, sexist, or discriminatory against, fat people. For example, the federal government for years has offered both dietary and fitness guides. Yet these came under attack because so few people met the goals. Several organizations, including the American Heart Association and the American College of Sports Medicine, looking at studies of predominantly white middle-class males tested at the Cooper Institute and at Stanford, concluded that people gained a lot from just a little exercise—a true but highly misleading conclusion, for it implied that people could “walk briskly” for 30 minutes a day and get meet all their fitness requirements.

The heart association also reduced its recommendations that people burn 2,000 calories a week in exercise in favor of merely 700 calories per week. The Clinton administration chimed in with a “Healthy People 2000” initiative that redefined fitness at such a low level that the Surgeon General guaranteed to “show improvement.” This allowed the government and, to a large extent, the media, to contend that a half-hour’s worth of gardening was equivalent to a half-hour’s jog. (Oprah Winfrey, a woman whose own battles with weight and fitness have been well publicized, was one of the few to run against the current by proclaiming loudly and often on her television show that a half-hour a day is not enough to lose weight.)
The bottom line (no pun intended) is that while a relatively small sliver of the female population who played competitive sports in college benefited from the redistribution of Title IX funds, women were, on the one hand, increasingly getting less exercise in government schools and becoming less fit every day. It took time for the impact of Title IX to be visible in women’s fitness. However, by 1985 when the third President’s Council on Physical Fitness survey was conducted, studying the fitness of 18,000 boys and girls, the results were shocking. In 1958, the average American 15-year-old boy could run 600 yards in just over two minutes and do 45 sit-ups, and those numbers improved by 1965 (by 19 seconds and almost 30 sit-ups). Since that survey, the testing methods had changed, but the message was unmistakable: half the girls could not run a mile in less than 10 minutes. Worse, analysis of fitness, including skin fold tests, showed that young women were becoming fatter.

The most insidious thing about Title IX was that its negative impact on women’s fitness hit in the early years—when fitness habits were formed among girls—and provided “benefits” only years later, when the young women got to college. By that time, Title IX had already done its damage to all but the few blue-chip athletes. Less capable girls, who might have developed exercise habits for life before college, and who might have discovered that a little sweat actually felt good and had important health benefits, dropped out of phys ed classes in significant numbers—and women’s dress sizes later expanded.

Title IX, championed as the panacea for women’s sports, has ended up like so many other federal programs: it benefits a few at the expense of the majority. Or more accurately, in this case it takes fat and calories from the few and “redistributes” them among the many.

3. Ibid.
4. This is not to say that government is needed to issue dietary or fitness guidelines. In this regard, see Robert Wright, “Are Dietary Guidelines a Public Good?” Ideas on Liberty, November 2002.