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Give Her the Damn Ball: **Gender, Law and Football**

When Robert F. Kennedy, a veteran of touch football battles, was Attorney General he said “except for war, there is nothing in American life – nothing – which trains a boy better for life than football.” Football in America is the quintessential masculine preserve. The game evolved from rugby around the turn of the twentieth century with the rise of muscular Christianity and its position as the ultimate game for manly men has remained secure ever since. This connection between male socialization and tackle football has been explored by scholars such as Michael Messner and Donald Sabo. But regardless of the masculine flavor of the game, some girls and women have expressed interest in playing football. This paper examines the court decisions that addressed the question of whether or not the laws of the United States mandate that females be given the opportunity to try-out for their school football teams and thus invade one of the last bastions of pure masculinity.

Traditionally, as Helen Lenskyj has described, medical authority and so-called common sense insisted that women and girls avoid strenuous sporting events in order to protect their childbearing capacities. Football with its violent tackles and intentional collisions seemed particularly dangerous to women and as a result most school athletic associations banned girls from their ranks in order to protect the weaker sex. In 1972, however, the rise of liberal feminism resulted in the enactment of Title IX which prohibits gender discrimination in educational settings, and women and girls rushed to the gymnasiums and athletic fields to begin playing ball. But the regulations enforcing Title IX, as promulgated by the Department of Health, Education, and Welfare, specifically exempted football from this law. Girls who wanted to play football in their local Pop Warner league or for their high school team had to utilize other legal remedies.

Fortunately for those girls who dreamed of being a running back for the Chicago Bears, other legal options did potentially protect their interests and their dreams. Girls ranging from the ages of eight to eighteen challenged the leagues that would exclude them and took those leagues to court. The girls relied primarily on the Fourteenth Amendment of the U.S. Constitution which mandates equal protection but also on state constitution versions of the Equal Rights Amendment. This paper examines the published court decisions involving girls and football and explores the arguments of the defendant athletic associations and the fears and stereotypes in which those arguments were based. It compares the legal rhetoric employed by the judges in the decisions and attempts to explain the sometimes conflicting conversations in a profession that prides itself on continuity and consistency in decisions. The paper, relying on primary legal sources and contemporary media accounts of the cases, explains how the judges rationalized these decisions. The essay describes the legal pressure to allow girls to play football in the face of cultural pressure to keep girls safe from contact and, for some, football safe from girls.