



Written by [Selwyn Duke](#) on February 3, 2014

Judge Says Boys Claiming Girlhood May Use Girls' Restroom

America's "firsts" aren't what they used to be. Where they once included putting a man on the moon and heavier-than-air flight, now they're trillion-dollar deficits, a trillion pieces of metadata NSA-processed, and six-trillion-dollar foreign military adventures. And coming to you straight from Maine is another fantastic first. Writes [Yahoo News](#):



School officials violated state anti-discrimination law when they would not allow a transgender fifth-grader to use the girls' bathroom, according to a ruling by the highest court in Maine that's believed to be the first of its kind.

The family of student Nicole Maines and the Maine Human Rights Commission sued in 2009 after school officials required her [him] to use a staff, not student, restroom....

The court concluded that the Orono school district's actions violated the Maine Human Rights Act, which bans discrimination based on sexual orientation or gender identity.

"Nicole" Maines, now 14 and taking hormones to prevent male puberty, is a boy originally named "Wyatt," who changed his name in the fourth grade and has been trying to live as a girl. And what of the idea that he was subject to discrimination?

First realize that government anti-discrimination law doesn't actually ban discrimination, which is the process of choosing one or some from among many, and is something we all practice. After all, schools won't allow boys (at least, those who still claim to be boys) to use girls' facilities or play on girls' teams, and employers discriminate on various bases when they hire new staff. What the state is doing is outlawing certain kinds of discrimination, declaring specific groups "protected," implicit in which is that other groups are unprotected.

Now, it's bad enough that we've gone beyond the proposition that everyone should be treated equally under the law. It is worse still that this selective non-discrimination law is applied to the private sector and thus trumps freedom of association. But now this special status isn't applied just to group designations that have a basis in objective reality — such as race or sex — but is being afforded to something completely subjective: "gender identity."

Note here that "gender" is not synonymous with "sex." You're born a certain sex just as you are a specific race, but "gender," which used to refer just to words before it was co-opted by Newspeak Central (academia), refers to *your perception of what you are*.

And there are eight million perceptions in the naked city. Consider [the following list](#) of "gender identities" from Genderqueerid.com, a site whose proprietor has a degree in "LGBT Studies" and has completed "San Francisco Sex Information's sex educator training program":



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- Agender
- Androgyne
- Bigender
- (Nonbinary) Butch
- Crossdresser
- Demigirl
- Demiguy
- Epicene
- (Nonbinary) Femme
- Gender fluid
- GenderF[**]k
- Girlfag
- Guydyke
- Intergender
- Neutrois
- Pangender
- Pomosexual
- Third Gender
- Trigender
- Transmasculine
- Transfeminine

Now consider a term running through most definitions of the above. “Agender” can be “the feeling of having no gender,” a “demigirl” is someone “who feels but the barest association with ... [a female birth] identification,” a “girlfag” is a woman who may “feel she is (fully or partly) a ‘gay man in a woman’s body,’” and “neutrois” is “an identity used by individuals who feel they fall outside the gender binary. Many feel Neutrois is a gender, like a third gender while others feel agendered.” Feel, feel, feel. And I’m feeling sick.

Note also that Genderqueerid.com’s proprietor mentions that his list is not complete and writes, “If you have a term and definition for something that should be here please let me know.” Maybe a reader will — if he/she/it feels like it.

But anyone can erect a website and post terms and definitions. What do mental-health “professionals” say? Here’s what Eve Glicksman wrote at the American Psychological Association’s [website](#): “Treatment only is considered for transgender people who experience gender dysphoria — a feeling of intense distress that one’s body is not consistent with the gender he or she feels they are, explains Walter Bockting, PhD, a clinical psychologist and co-director of the LGBT Health Initiative at Columbia University Medical Center.” Not bad. “Feel/feelings” appeared only twice in that sentence.

But don’t think these head shrinkers take this lightly. To be considered officially, authentically “transgender,” the feelings must be troublesome, the feelings must be persistent, and the feelings must be present for more than a year.

And the feelings must be feelings.

The point is that there is no physical test to determine that “gender dysphoria” has some kind of inborn basis and isn’t purely psychological — none. Zilch. Zero. Nada.



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This brings us to the [rest](#) of “Nicole” Maines’ story. He is actually an identical twin; his brother is named Jonas (the two are shown above). Now, this means that the two boys’ genetic makeup is identical (in fact, police cannot differentiate between such twins based on DNA evidence). It means they spent nine months side-by-side in the same womb. It means they were born at almost the same time.

Yet what was inborn is supposedly different.

After all, Jonas is normal.

And, no, this doesn’t prove anything either way. But it is food for thought.

Whatever the cause of “gender dysphoria,” however, we’re left with a striking fact about the “gender identity” category in law: People are being placed within it and afforded special status and “rights” based on feelings. And whose feelings will be the ultimate arbiter? Will we lend credence to all claims of “gender identity” even if they burgeon like our budget? Or will we defer to the “professionals’” feelings about what feelings are to be thought sufficiently “feelingy”? That sounds quite Orwellian: special legal status determined by mental-health practitioners.

And rubber stamped by judges.

One of these would be Justice Warren Silver, who wrote in the Maines case, “It has been clearly established that a student’s psychological well-being and educational success depend upon being permitted to use the communal bathroom consistent with her gender identity.” What’s clearly established is that the students in question have abnormal feelings; what’s not at all clearly established is why those feelings exist. And ruling out that they could be a purely psychological phenomenon and insisting they’re induced by a physical one — when no physical test can as yet demonstrate such a thing — is gross malpractice.

Even if we were to accept that “transgender” is a legitimate and unique category just like “male” and “female,” however, why would giving such a person a separate bathroom constitute unjust discrimination? Is it considered so when we disallow boys and girls from using the opposite sex’s bathroom and instead give them separate ones? If you’re going to accept “transgender” as another “gender,” how is it out of bounds to have another bathroom?

Ah, but then there’s that “psychological well-being.” But what about the psychological well-being of the innumerable girls affected by having boys enter their bathrooms? What about the social well-being of children whose grasp of reality can be twisted by making exceptions the author of norms? Whatever happened to “The good of the many outweighs the good of the few”?

Some will claim that the quoted proposition is tyrannical. But the majority has every eternal right to institute laws and norms within the bounds of morality and the legal right to do so within the bounds established by the Constitution, which, of course, does a good job of outlining moral parameters. The only alternative to this is having a minority determine laws and norms, a thoroughly undemocratic idea.

And if the minority that is mental-health practitioners can determine who gets special rights, will they, as in the former Soviet Union, one day be able to determine who doesn’t have rights, too?

Photo of Jonas and Nicole Maines from June 2013: AP Images



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