

The danger of Bidenesque Wokeism

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It seems churlish to begin worrying about the Biden administration when it's held sway for only a bit more than a day. I voted for Joe and Kamala and approve of many of their policies. I teared up at the Inauguration and was hugely relieved when the Great Miscreant was helicoptered over the Potomac yesterday. But we still have to call out the new administration if it violates standards we oppose, and, during the flurry of policies to come in the next several months, now is the time to suss out whether Biden really is a centrist, or will cave in to the Woke wing of the Democratic Party.

As I've said, one thing I worry about is the exacerbation rather than the diminution of Wokeism under Biden—something that seems very likely to me. (And do I really have to affirm that Trumpism is way worse than Wokeism? You can have Biden without extreme Wokeism, you know, and you don't need to remain silent just because he's a Democrat.)

At any rate, when I saw the tweet below from [Abigail Shrier](#), oft-excoriated author of the book *Irreversible Damage*, a book about too-rapid promulgation of sex-change operations in young children, I got worried. Is Biden really advocating accepting biological males who claim that they're women—and haven't had any medical intervention to transition—into women's sports, scholarships, and so on? We've discussed the sports issue here, as well as Connecticut's rule that any male who identifies as female can participate in women's sports without further ado (much less hormonal supplements and/or surgery). The results were predictable: males, with their greater strength and muscle mass, clean up. I don't think any reader here thinks that "unaltered" biological men who identify as women should, by virtue of that identity alone, be able to join women's sports teams.

Yet that's what Shrier says Biden's executive order does: "eviscerates women's sports", as well as women's scholarships and so on:

On day 1, Biden unilaterally eviscerates women's sports. Any educational institution that receives federal funding must admit biologically-male athletes to women's teams, women's scholarships, etc.

A new glass ceiling was just placed over girls. <https://t.co/cGWZqDpxl8>

— Abigail Shrier (@AbigailShrier) [January 21, 2021](#)

You can read the order below, as I did; it's short (click on the screenshot).

Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation

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When I initially saw that it seemed to be about Title VII of the 1964 Civil Rights Act, I thought Shrier must be wrong. [Title VII is about employment and workplace discrimination](#), not discrimination by colleges in scholarships, sports, and so on. Those things are the purview of [Title IX](#), which mandates no sex discrimination in education or activities for educational institutions that get Federal funds. So why is Shrier so exercised?

It may be because of this statement from the order (my emphasis):

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. Every person should be treated with respect and dignity and should be able to live without fear, no matter who they are or whom they love. Children should be able to learn without worrying about **whether they will be denied access to the restroom, the locker room, or school sports**. Adults should be able to earn a living and pursue a vocation knowing that they will not be fired, demoted, or mistreated because of whom they go home to or because how they dress does not conform to sex-based stereotypes. People should be able to access healthcare and secure a roof over their heads without being subjected to sex discrimination. All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation.

These principles are reflected in the Constitution, which promises equal protection of the laws. These principles are also enshrined in our Nation’s anti-discrimination laws, among them Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.*). In *Bostock v. Clayton County*, 590 U.S. ____ (2020), the Supreme Court held that Title VII’s prohibition on discrimination “because of . . . sex” covers discrimination on the basis of gender identity and sexual orientation. **Under *Bostock*’s reasoning, laws that prohibit sex discrimination — including Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 *et seq.*), the Fair Housing Act, as amended (42 U.S.C. 3601 *et seq.*), and section 412 of the Immigration and Nationality Act, as amended (8 U.S.C. 1522), along with their respective implementing regulations — prohibit discrimination on the basis of gender identity or sexual orientation, so long as the laws do not contain sufficient indications to the contrary.**

Notice that Biden folds Title IX into Title VIII, and explicitly mentions school sports. Now I don't give a rat's patootie about restrooms (we have unisex restrooms in my department), but locker rooms are a bit more problematic, since some women don't want a person with male plumbing watching them in the buff. Still, that can be and has been dealt with in various ways. And of course the thrust of Title IX is good: stop discriminating on the basis of sex or gender. But participation in school sports is the rub—and the exception.

If Biden is saying here—and despite Shrier's claim, it's not completely clear—that men who identify as women have *carte blanche* (and legal rights) to enroll in women's sports teams, then Shrier is right: this has the potential to eviscerate women's sports. I won't go into the biological differences between the sexes that, even with hormone treatment, make this “right” problematic, but I'll call your attention to this order as a red flag. So far nothing has happened, and Shrier's feared outcome may require either legislation or intervention of the courts, not an executive order.

There are other Bidenesque red flags as well, but none so worrisome that I need mention them now. I do predict, however, as I did yesterday, that the election of Biden is not the end of Wokeism but an *acceleration* of it. Those of us who consider ourselves liberals and who voted for Biden because of his decency, his ardent (but ill-fated) desire to reconcile Republicans and Democrats, his center-Leftism, and most of his legislative aims, may be in for a few years of cognitive dissonance. Joe is a decent man, but if you buck the Woke you get called all kinds of names. Joe may be more pliable than we think.