

## **Martine Rothblatt's *The Apartheid of Sex* 15 Years Later**

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by Harold Brackman, Ph.D.

### **Martine and Me**

***“Our efforts to simplify reality cheat others and cheat ourselves.”***

Martine Rothblatt’s *The Apartheid of Sex* (1995)—written with the precision and persuasiveness of a lawyer’s brief and the power of a visionary manifesto—will be viewed by most readers, today and in years hence, as making the case for the transgender movement at a critical juncture in its emergence. Given my long though interrupted association with Martine, which started in the 1970s when then-Martin was an incredibly talented, ambitious UCLA undergraduate living on a shoestring while raising an astonishingly beautiful multi-racial toddler, mine is a more personal perspective. The book and the author for me are part of a web of influences in which my own life as an historian and a man (if Martine will forgive my use of that gender-specific designation!) have been profoundly implicated.

Martine is remarkably knowledgeable and accomplished across a spectrum ranging from law to astronomy to business startups to genetic mapping to bioethics and biotech. So I’m sure she won’t begrudge my claiming an expertise not on her list—that of an historian. What I want to do here is view *The Apartheid of Sex* through several differing yet complementary historical lenses that may enrich the reader’s appreciation of this watershed book that changed my mind and may change yours. First, however, let me look at how this book makes its case.

### **The Structure of the Argument**

***“In the future, labeling people at birth as ‘male’ or ‘female’ will be considered just as unfair as South Africa’s now-abolished practice stamping ‘black’ or ‘white’ on people’s ID cards.”***

Though now a biotech CEO rather than the practicing telecommunications law specialist she once was, Martine crafted her book with a lawyer’s skill. The reader will note that repeatedly it makes both primary and secondary arguments so that, even if the former don’t succeed, the latter may prevail. *The Apartheid of Sex* is a book about the biological and behavioral markers of sex and gender. Its critique of the biology of “either/or” sexual dimorphism and its attack on the behavioral patterns that maintain traditional gender hierarchies are reinforcing yet not dependent on each other for their truth.

*The Apartheid of Sex* makes scientific arguments (which I think would have impressed Charles Darwin), based on naturalistic evidence drawn from both animal and human evolutionary biology, to support its conclusion that there are no absolute binary male-female distinctions in nature. This summary of the evidence from the animal kingdom produced an indelible impression on me: “The

slipper shell (*Crepidula fornicata*) . . . lives in oyster beds and gradually changes from male, to hermaphrodite, to female in old age. On the other hand, certain Caribbean coral-reef fish start out female and die as males. Many types of fish, such as butter hamlets and swordtails, change sex back and forth to balance the ratio of males to females currently around them. The sex ratio expressed by these types of fish depend on their social surroundings.”

Yet suppose the reader refuses to follow Martine in extrapolating from such evidence to her conclusions about the fluid continuum of sex types and male-female human biological differences, and rejects her view that these differences are insignificant compared to the overriding fact of the commonality of “the transgendered brain.” Even then, her book makes a powerful—to me irresistible—case that, assuming an irreducible minimum of biological difference between male and female, these differences are still entirely insufficient to justify the ponderous behavioral superstructure of gender segregation and inequality that have been built into society’s fabric. This discriminatory superstructure is rooted in culture as well as society, and Martine is very hard—perhaps too hard—on the world’s religions (which sometimes have inspired positive change-oriented movements) for being a regressive force: “The thrust of early Buddhism, Hinduism, Islam, and Judeo-Christianity was to make women ashamed of their bodies and to thus make it easier for men to control them.”

Martine buttresses her argument against gender discrimination by analyzing the parallels with racial apartheid. The anti -miscegenation laws that imposed a Nazi-like ban on intermarriage across racial lines were carried over from slavery to segregation, persisting until the right to marry of an interracial couple was upheld by the U.S. Supreme Court’s landmark decision in *Loving v. Virginia* (1967). Except for the bravery of Richard Loving (who died in 1975) and Mildred Loving (who died in 2008), premier golfer Tiger Woods might not be in a position today to nonchalantly describe himself as a CABLINASIAN (Caucasian-Black-Indian-Asian American). Partly because of the pioneering consciousness raising by Martine’s *The Apartheid of Sex*, the day may be coming when laws against same-sex marriage will be viewed as unjust and anachronistic as laws against interracial marriage. As Martine notes, “immutable race” is already becoming “choosable culture.” The domino to fall is “immutable gender”! Today’s rise of racial and ethnic hybridity opens the door to tomorrow’s embrace of transgenderism as an emerging paradigm.

## The 1990s Context

***“For most people society’s gender rules are so powerful that they simply go with the flow. But in every society there are the free spirits, the stubborn, and the insistent. In the 1960s they fought for civil rights. In the 1990s they fight for gender rights.”***

*The Apartheid of Sex* and Barack Obama’s *Dream from My Father* (1995) appeared on the *New York Times* best seller list within months of each other. What do these books have in common? First, two extraordinary authors, each with a story to tell. The difference between them in the mid-1990s was that Obama’s autobiography of multi-racial origins and the search for African American identity was written by a young man, still in his early thirties, whose life trajectory at the time was defined less by his impressive accomplishments (Ivy League education, president of the *Harvard Law Review*, South Side Chicago community organizer) than by the unlimited political potential

ahead of him. In contrast, Martine Rothblatt, in her early forties, was already a pioneering telecommunications lawyer, visionary entrepreneur, and successful negotiator of the transgender life change that gives the dimension of personal witness and authority to her book.

Though Martine does not note it in her book, she was actually born in the same American heartland city that was Obama's career destination. From Chicago, Martine's father, the son of a dentist for the Retail Clerks' Union, and mother, a speech therapist, moved the Rothblatt family to Southern California.

We can see in retrospect that both Obama's and Martine's books and lives reflect a sea change that was occurring in American culture in the 1990s. Obama's end point is his mature African American identity achieved by coming to terms with his heritage from a distant Kenyan father, but the book's dramatic interest to most readers was the dynamic tale of how Obama navigated his way to this positive result through a perilous sea of cultural ambivalences and psychological conflicts played out on a global stage spanning Hawaii, the American heartland, and his father's African homeland. Like a hero of Charles Dickens, Obama discovers who he is, but only through pluck and luck. He finally achieves the status of a son who is not so much chosen as self-chosen. Truly, this is an inspiring American as well as African American success story and an autobiographical gem in a tradition running from Frederick Douglass to Malcolm X.

Obama's *Dreams* is both a classic of African American autobiography and a multiracial testament reflecting the rise of interracial partnerships as well as transracial adoptions. By 1990, only 7 percent of 34 to 35 year-olds were involved in interracial relationships, compared to 14 percent of 18 to 19 year-olds. By 2000, there were 504,000 "white-Asian marriages," and 924,000 "Hispanic-white marriages" (though Hispanic is really an ethnic category). Projections are that, by the year 2100, over a third of African Americans will marry outside their race as will over half Asian Americans. Twice as many Hispanics will marry non-Hispanics as marry Hispanics. Over a century ago, W. E. B. Du Bois wrote: "The problem of the color line is the problem of the twentieth century." Martine believes that in the twenty-first century, transgenderism will be central to the solution of transcending still-entrenched gender categories and hierarchies.

*The Apartheid of Sex* is not autobiographical except for a few pages at the book's beginning and end that, however, are critically important in framing the book. Yet as with Obama, Martine takes the reader along on her psychological and cultural odyssey. The author and reader jointly journey through the complexities of sexual biology and gender socialization, identifying yet avoiding the dead ends of stereotyping and prejudice that limit most people's lives. They then emerge with a sense of the historically contingent creative possibilities of sex and gender development for individuals with the courage and imagination to pursue them. Full of scientific facts, Martine's book is passionately animated by her faith in life's exhilarating journey, especially in America, the land of the F. Scott Fitzgerald's "Great Gatsby." Martine also reinvents herself—but, unlike Gatsby's male tragedy, hers is a transgender triumph.

Both *The Apartheid of Sex* and *Dreams from My Father* reflect and celebrate the deconstruction of outmoded, socially constructed notions of race and gender and the toppling of traditional barriers to the achievement of the American Dream. In Obama's case, the transformative dynamic is the

“beiging” or “browning” of America,” psychologically as well as demographically, as young people of all ethnicities impatiently reject racism as a relic of the past. Bear in mind that Obama’s only landside in November 2008—by 2-to-1—was among voters 18 to 29 years of age.

In Martine’s case, the inherited psychological and cultural impediments that she targets are not racial but are sexual hierarchies and gender inequalities. Elections won’t clearly mark the fall of these barriers except for the struggle for gay marital rights. Yet headlines attest to how prescient Martine was in arguing that, just as with Obama and race, so do with sex and gender, the future belongs to those who can both see the potential for change and make sea changes! Here are two examples of how things are changing in line with Martine’s analysis:

In 1995, Martine could only point to “recent experiments in which male baboons were made to serve as surrogate mothers for zygotes fertilized in the test tube.” This story from 2009 speaks for itself: “A 25-year-old transsexual Spaniard claims to be pregnant with twins after artificial insemination in the first such case in Spain, local media reported on Sunday. ‘I am six-and-a-half weeks pregnant’, Ruben Noe Coronado Jimenez, initially named Estefania, told the popular magazine *Pronto*, saying he took treatment to restart his menstrual cycle. In photos posted on his blog, where he also wrote about the pregnancy, Coronado has a shaved head and a beard.”

In 1995, Martine wrote that “male cross-dressers are usually[still] deep in the closet.” By 2009, “Any any number of male models gracing the catwalks of the spring menswear shows held recently in Milan and Paris [who are]now getting the casting calls from top designers are guy waifs—all soft and round in the face which only a few seasons ago was sharp angles and strong lines.” There are wearing tank tops and what looks like outerwear corsets The transsexual drag queens beaten at Stonewall are having a measure of vindication bestowed by prestigious fashion designers. We’ve come a significant distance from the burlesqued transgender characters in *The Rocky Horror Show*!

Reminding us of another pop cultural classic that dramatized age-old prejudices hiding beneath the veneer of liberal culture, Martine calls for “a modern-day *Guess Who’s Coming to Dinner* [that] might again star Sidney Poitier, but this time as the *father* of a daughter about to be married in Hawaii to another woman.” Here again, she prophecies a shift from racial to gender struggles to redefine American culture and character.

Obama’s book exploring the trans-racial frontier and Martine’s exploration the transgender frontier are likely to be viewed by future generations as cutting edge documents that helped gestate our new millennium. Today, with an African American president in office, but Hillary Clinton relegated to Secretary of State, gender barriers seem more resistant to change. Martine explores the paradoxes as well as parallels involving these two pathways of change: “Sex is even much more malleable than race—as individualized as our fingerprints. . . . Racial categories are already an affront to mixed-race kids. Sexual categories are an inhibition to gender explorers.”

## **The 1960s Prelude**

***“The apartheid of sex is every bit as harmful, painful, and oppressive as the apartheid of race.”***

Dramatic recent developments did not come out of nowhere. They had a prelude in the 1960s. Martine contextualizes her book as an outgrowth of the transgender movement as well as her personal experience starting in the 1980s. Indeed, transgender studies as a clinical and academic field achieved breakthroughs during that decade—yet the transgender movement grew out of a social context that took shape twenty years earlier.

Born as part of the last wave of the baby boom, in 1954, Martine was too young to experience the sixties in the same way that someone born just after World War II like me did. Yet the sixties were critical to the transgender awakening, and not only because transgender people participated with their gay and lesbian brothers and sisters at 1969's civil rights-inspired Stonewall Rebellion in New York.

Beyond clichés about “sex, drugs, and rock and roll,” that decade raised consciousness about gender and sexuality in ways were a radical break with the first half of the twentieth century. The post-World War I Jazz Age had its buzz about flaming youth, companionate marriage, and something like a sexual revolution (later documented by Dr. Kinsey)—but it was a limited phenomenon both in numbers and in range of experience compared to the sixties. The New Left philosophical guru Herbert Marcuse had already laid the theoretical foundations for “The Love Generation” in his *Eros and Civilization* (1955) reinterpreting Freud, not as a practitioner of psychological adjustment, but as a critic of civilized repression and a prophet of sexual liberation. Norman O. Brown popularized the new consciousness in his celebration of “polymorphous perverse” sexuality in *Love's Body* (1966).

Despite or because of the well-publicized goings on at Woodstock in 1969, “The Love Generation” was not the sexual idyll often advertised. Marcuse recognized as much by warning against the joylessness of commercialized sexuality he called “repressive desublimation.” Indeed, one may wonder whether, not Brown's *Love's Body*, but Philip Roth's *Portnoy's Complaint* (1969) with its conventionally-gendered, sex-addicted antihero should be viewed as the real poster child for the sixties generation.

But whether sixties sexual liberation was fulfilling or frustrating or both, it broke through the cake of convention and traditional stereotyped sex and gender roles in a decisive way. After Stokely Carmichael told women who asked to play a leadership role in the civil rights struggle that their “proper position in the movement is prone,” a new generation of feminists founded their own movement. Similarly, gays and lesbians discovered that “all politics is personal” and found their own voices.

Martin Duberman's *Stonewall* (1993) grippingly documents the experience of “drag queens”—especially, those who were also people of color. Some had been catalysts of the protests against police repression yet were often treated as pariahs by those in the gay community they helped liberate. It was only a matter of time—and not much time—before a transsexual/transgender movement emerged to provide a shared context for the experience of people who, until that time, had either been ignored as invisible or treated as freaks, sometimes even by people of same-sex orientation.

## The Pre-1860s Background

***“The feminist insistence upon seeing individuals as individuals, regardless of sexual biology, can now be carried to the next logical step: individuals are individuals, not sex types.”***

*The Apartheid of Sex* is more than the record of the intellectual odyssey that accompanied Martine’s male-to-female transgender transformation. It can and should also be read as a testament to the philosophy of radical individualism (my term not hers) that Martine lives and breathes. Here, too, the sixties is part of the story in that the commune-building sentiment of the decade competed with an anti-collective libertarian impulse for the allegiance of radical young people. Crystallizing in the wake of that seminal period, Martine’s politics defies left-right pidgin holing, but she’s fundamentally a libertarian with a small “l” in that what matters to her is root-and-branch, across-the-board liberation of human potential including the potential for sexual experimentation and satisfaction. Though not an anarchist with a capital “A,” she puts an absolutely higher priority on self-realization by individuals than perfecting government institutions.

The political philosopher Isaiah Berlin wrote that great thinkers are divided between “hedgehogs” who conceive of reality in terms of one big truth and “foxes” who see the world in terms of a multiplicity of particulars. Martine’s thinking combines a hedgehog-like grasp of big ideas with a fox-like instinct that what ultimately matters is each and every individual human being.

Perhaps more than even she realizes, the original American historical context for Martine’s personal and political quest goes back beyond the 1960s to more than a century earlier.

Around 1900, when conservative middle-class Americans wanted to express their horror at the specter of revolutionary subversion or radical immorality, the word they usually used was not “communist” but “anarchist”—and the associated image was that of long-haired, wild-eyed, Bohemian-minded, German immigrant bomb throwers like those who were blamed for Chicago’s Haymarket explosion in 1886. This involved an irony that was lost on those frightened Americans. The irony was that, before the Civil War, a homegrown American anarchism—basically nonviolent (except for sympathy with abolitionist John Brown), but philosophically and spiritually far-reaching—permeated the thinking of a whole generation of primarily New England Transcendentalist intellectuals including Emerson, Thoreau, and Whitman (a New Yorker) as well as lesser-known figures such as Margaret Fuller and Amos Bronson Alcott. Their radical individualism—a less provocative term than “anarchism” for this political creed—was written about and propounded from the lecture platform by Emerson while Thoreau famously acted it out in his nonviolent resistance to war (and nonpayment of taxes) at Walden Pond. Pioneering anarchist Joseph Warren, not directly part of the Transcendentalist circle, advanced the theory of “the sovereignty of the individual” elaborating Emersonian individualism as a radical political philosophy.

However much it’s been downplayed by generations by strait-laced historians, Transcendentalists rejected conformity and convention in the name of liberating the self from all impediments. George Ripley’s Brook Farm was partly based on French socialist Charles Fourier’s doctrine of “attractive industry” according to which individuals, regardless of sex, were supposed to do the work for

which they were most temperamentally fitted. Transcendentalist communal experiments sometimes questioned the reigning “cult of true womanhood” at least regarding traditional gender role differentiation in child rearing, though women still usually ended up doing most of the domestic chores. John Humphrey Noyes’ Oneida Community experimented with replacing monogamy with “complex marriage” and “scientific procreation.” Margaret Fuller developed a theory of human personality defining every individual as “androgynous” with both male and female qualities. Lifelong celibate Thoreau nevertheless praised the sensuous Hindu soul as well as Whitman’s poetry. He offered this musing —“What the essential difference between man and woman is that they should be thus attracted to one another, no one has satisfactorily answered”—that can be read in a very modern gender-liberated way. There’s was no ambiguity in Whitman’s rejection of “cold and sterile intellectuality” in favor of his unashamed personal and poetic erotic sensuality that literary critics, well into the twentieth century, refused to admit was rooted in his homosexual sensibility. “Looking west from California’s shore,” Whitman saw reflected back his American self. Managing an international biotech business in a globalizing age, Martine personifies a philosophy of life that’s also all-American.

In pre-Civil War America, what we would call homoeroticism among both female “sisters” and male friends ran near the surface before it receded with the crystallization of the more sexually as well as socially regimented society of late nineteenth-century Victorian America. The firestorm of controversy surrounding recent attempts to historically out “the gay Lincoln” calls attention to this pre-Civil War sensibility. Respected sex researcher C. A. Tripp’s *The Intimate World of Abraham Lincoln* (2005), published after the author’s death, convinced few professional historians that American’s most revered president was “predominately homosexual” in his sexual orientation. But it was not for lack of compelling circumstantial evidence (little of it new) compiled by Tripp that included emotionally effusive letters signed “yours forever” by Abe to his all-male coterie of friends, his sleeping for four years in the 1830s in the same double bed with Springfield merchant Joshua Speed, and his subsequent sharing a bed and night shirts at the Soldier’s Home (or “Lincoln Cottage”) three miles from the White House during the Civil War with presidential bodyguard, Pennsylvania “Bucktail” Captain David Derickson, when Lincoln’s wife, Mary, was out of town.

Of course, then or now, intimacy was not synonymous with orgasm. The equally or more compelling evidence on the “heterosexual side” of the Lincoln equation includes Abe’s probable frequenting of prostitutes, as many as four women to whom he proposed, his siring of four sons with Mary Todd, and his close friend William Herndon’s observation that Lincoln was so oversexed that “he could scarcely keeping his hands off” women.

No one will ever know for sure, and it’s tempting to speculate about Lincoln sexuality, though attempts to link his sexual orientation with his attitude toward slavery are probably a bridge too far. Was Lincoln devoutly heterosexual (the conventional view)? “predominately homosexual” (Tripp’s view)? bisexual (another interpretation)? or perhaps heterosexual with a strong homoerotic streak? If he had a pronounced homoerotic bent, it was no doubt nurtured by growing up in a log cabin culture in which same sex siblings often slept bundled up together and maturing in a frontier milieu where itinerant lawyers like Lincoln spent long periods away from their marital beds while often sharing tavern beds with their fellow traveling barristers.

Just maybe, if The Rail Splitter were here today, he would scoff at such definitional quibbling because—being true to his own times—he would not accept straight-jacketing categories like “gay” or “straight” or even “bisexual” that were quite alien to that era’s mentality and sensibility. (The term “homosexual” was not invented until 1869.) In other words, Old Abe here today might even share Martine’s skepticism of such categories that still govern the thinking of most people my age or older.

I go into this psycho-historical detail, not in order to titillate about Old Abe, but to suggest that history sometimes proceeds in cycles rather than straight lines. The breakdown of rigid gender hierarchies and sex roles that Martine argues is an accelerating trend of the late twentieth and early twenty-first centuries may not be all that new. It may, in part, be a reversion to the significantly less structured, less regimented psycho-sexual world that prevailed before the Civil War. Back then, there was not yet a crystallized gay subculture (the closest thing to that may have been the *hemaneh*—half-man, half-woman—of the Cheyenne tribe); yet the sensibility we associate today the gay subculture may have resonated more widely during that era than it did later.

Martine’s clarion call for a radically individuated sexual liberation—in which transgendered people ultimately exfoliate their own unique psycho-sexual selves without retreating into group identification with a supportive “third sex” community—may be so new just because it’s a throwback to something quite old. At the very least, it echoes the radical individualism of Whitman’s brave exploration of his own sensual frontier. It may even make Martine a spiritual descendant of that era’s greatest seeker of “a new birth of freedom”—Abraham Lincoln—America’s most beloved yet still most enigmatic president.

## **Between Past and Future**

***“Sexual orientation in the third millennium will evolve toward a unisexual model because ‘male’ or ‘female’ sex types will fade away. Persons of any genitals will feel free to identify themselves as olive, magenta, coral, ebony, or white, or as femme, butch, tough, tender, or trans . With this continuum of sexual possibilities, gay, straight, and even bisexual will lose all meaning.”***

The present is, existentially, all we’ve got, yet—in an unsettling sense—the present is a fictive concept: just an ever-shifting dividing line between past and future. In the Afterword to *The Apartheid of Sex*, Martine reveals her true persona as a “transperson”—impatient to push us into the future by transcending the artificial, destructive barriers between races, sexes, and nations, and the even the mortality barrier that denies people indefinite life extension. Overcoming the obstacles to technological immortality is one of the goals of the Terasem Movement that she also leads.

For two decades, I’ve worked as a consultant for the Simon Wiesenthal Center and its Museum of Tolerance (MOT) in Los Angeles, which opened its doors in 1993. The early 1990s was a time when Los Angeles, rocked by both man-made disasters (the post-Rodney King Riot) and natural disasters (the Malibu Fires and Northridge Earthquake), was trying to rebuild bridges between communities as well as physical infrastructure. I was a professional historian of U.S. social and intellectual history with a special interest in the history of immigration and ethnic and race relations, especially Black-Jewish relations. Initially, I conceived my work designing historical



exhibits for the MOT in terms of juxtaposed tracks between “intolerance” and “tolerance.” The “intolerance” track showed how certain kinds of people—racial minorities, immigrant newcomers, and women, and also poor men—were denied opportunity, while the contrasting “tolerance” track chronicled their struggles against oppression.

This Manichean or dualistic view of the struggle between the change-oriented forces of good vs. the status quo-oriented forces of evil still is compelling, but in recent years I’ve become sensitive to goals of and reconciliation and transcendence that it mostly leaves out of the picture. Despite all of America’s current economic and security problems in a globalized twenty-first century, the evidence has been slowly mounting for decades that “transpersons” like Martine are really making a difference as intermarriage rates across all racial, ethnic, and religious divides soar and as young people, both the politically liberal and the politically conservative, increasingly gravitate toward support of gay rights and gay marriage initiatives that signalize race and gender attitudes in the country are moving in the direction championed by Martine.

Following the publication of *The Apartheid of Sex*, Martin with her life partner or “spice” Bina Aspen Rothblatt, established the [World Against Racism Foundation \(WARE\)](#) to promote redemptive liberation across a broad front. She, her book, and her subsequent work have played an important role in sensitizing me and my work for the MOT to these exciting possibilities for the emergence from *Homo sapiens* of what she calls *Persona creatas* or “the creative person.”

I hope the readers of this new online edition of *The Apartheid of Sex* will be challenged and inspired by Martine’s example to also become truly creative individuals.

### **Selective Reading List**

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