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accurate. After his wife obtained After his whe obtained a decree absolute in June, 1962, Mr Corbett repeatedly pressed her to marry him, but she would not agree. She continued to come and go as she wished while he remained at Mar-bella-- Nothing of a sexual nature occurred.

while a Nothing of a sexual nature occurred. In July, 1963, Mr Corbett took the first steps about a marriage. He consulted a lawyer in Gibraltar and discussed financial arrange-ments with Miss Ashley "It is, I think, obvious," said the Judge, "that both of them had considerable doubts about whether they could marry, or whether they could find anyone to marry them. In fact, the

dropped. They continued to sleep apart for the next three or four nights. She then left for Lon-

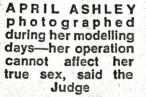
don to take some lessons, preparatory to getting into a drama school. a drama school. It was agreed that she would find a flat in Lon-don and he would join her when he could. In fact, he went to London on about Oct 4, 1963, and stayed about a week with her. There was a direct con-

There was a direct con-flict of evidence as to what happened sexually between them at this period. Mr Corbett said she continued to make her excuses. She said that the trouble had cleared up and that they slept to-gether, but he immediately gave up saying "I can't.

been together for no more than 14 days in all. Shortly afterwards Miss Ashley wrote a letter.

Ashley wrote a letter. "This is a significant letter," observed the Judge, " and throws some light on this strange situation and on her behaviour since the marriage. It shows. I think, that reality had broken in upon her and that she, quite u n derstan dably, could not face the intoler-ably false position." The letter read: "Dear Arthur, a letter from me. A none too happy one I'm afraid. I have thought and thought, not slept for days. But from all the pain and torture on my mind I see only one thing very, very clear. That is that I will not ever be coming back to you.

`The first occasion on which a court in **England has been** called upon to decide the sex of an individual'

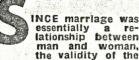


testicles prior to the opera-tion and therefore to be of male gonadal sex; to have had male external gentilia without any evidence of to be of male genital sex; to be of the successfully. The outward appears onvincingly feminine, but on closer examination in the witness-box it was much less so. The voice, take became increasingly geniniscent of the accom. The evidence of the accoment of the second tinically, is that the body, is post-operative condi-tion, looks more like a temale than a male as a temale than a male as a temale than a finale sex. The is common ground between all the medical on individual is fixed at the hat the latest) and opinet be changed, either of the other true sex. The only cases where the term 'fnange of sex' is appro-priate are those in which a the birth and subsequently

role of a woman in marriage. "My conclusion is that not a

revealed by further medi-cal investigation." On that state of facts. Mr James Comyn, QC, for Miss Ashley, contended that she should be classified, medi-cally, as a case of inter-sex, and that since the law knew only two sexes, male and female, she must be "assigned" to one or the other, which, in her case, must be female. Reviewing the legal posi-

Reviewing the legal posi-tion, the Judge said it appeared to be the first occasion on which a court in England had had to decide an individual's sex.



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role of a woman in mar-riage. "My conclusion is that the respondent is not a woman for the purposss of marriage but is a bio-logical male and has been so since birth." The Judge then dealt with the secondary issue of incapacity or wilful re-fusal to consummate the marriage, "assuming for this purpose that the mar-riage is valid and that the respondent is to be treated as, or deemed to be, a woman." Of the two versions of the events which took place after the ceremony he accepted Mr Corbett's. He accepted his evidence that Miss Ashley evaded the issue of sexual rela-tions and that Mr Corbett did not press it, believing that this aspect of the marriage would come right in the end. It was difficult to judge whether her attitude should be regarded as wilful refusal or psychological re-pugnance. Both were essen-tially unreal but the evi-dence supported refusal better than repugnance. He would however, if neces-sary, be prepared to hold that Miss Ashley was physically incapable of con-summating a marriage. "I hold," said the Judge, "that it has been estab-lished that the respondent is not and was not a woman at the date of the ceremony of marriage. but was at all times a male The marriage is accord ingly void."

MR JUSTICE

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Cross Hospital. HE experts called by Miss Ashley were Dr Armstrong, consuitant physi-cian at Newcastle Royal Infirmary; Prof Ivor Mills, Professor of Medi-cine at Cambridge; and Prof Roth, Professor of Psychiatry at Newcastle upon Tyne. There was general agree-ment among all the doctors on the basic principles and fundamental facts. Anomalies of sex could be divided into two broad divisions, those cases which were primarily psychological in character, and those in which there were developmental abnormalities in the anatomy of the reproduc-tive system. Two kinds of psycho-logical abnormality were recognised, the transsexual. The transvestite was an individual (nearly, if not always a man), who had an intense desire to dress up in the clothes of the opposite sex. up in the clothes of the opposite sex. This was intermittent in

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they could find anyone to marry them. In fact, the lawyer succeeded in getting » special licence for them. "The ceremony was fixed provisionally for Sept 10, 1963, but Mr Corbett con-tinued to vacillate until that morning when she suddenly agreed to go through with it and they rushed off to Gibraltar." After the ceremony they returned to the villa where some sexual approach was

some sexual approach was made by Mr Corbett. Miss Ashley, however, made an excuse and the subject was

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ether, but he immediately ave up saying "I can't, can't," and burst into gave tears

On October 12 Mr Corbett returned to Spain. Miss Ashley joined him in December. Again there was a conflict of evidence as to what took place between them. After about three days,

Miss Ashley suddenly left for London. This was the end of their relationship. They had

coming back to you. "The last three years have been the longest, the unhappiest, the most hor-rible of my short 28 years.

rible of my short 28 years. In those three years I have k: wn you. "So you must under-stand that although I don't put all the blame on you, you do seem to have been a terrible jinx on me. I am paying dearly for my sin of marrying you. "The worry and anguish

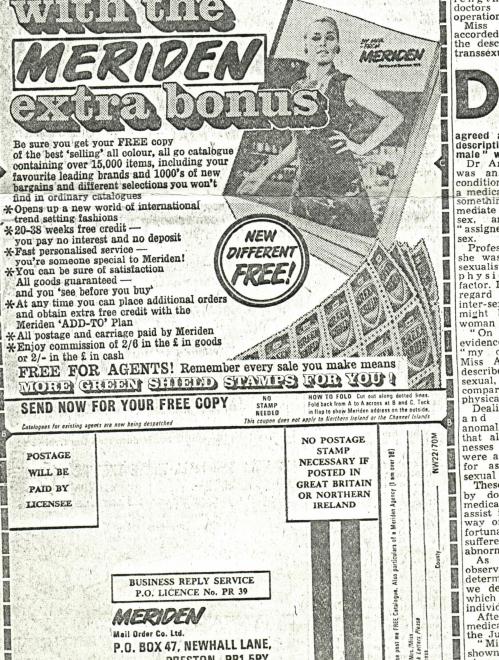
character and was not accompanied by a corres-ponding urge to live as or pass as a member of the opposite sex at all times. Transvestite males were usually heterosexual, often married, and had no wish to cease to play the male role in sexual activity. The transsexual, on the other hand, had an ex-

The transsexual, on the other hand, had an ex-tremely powerful urge to become a member of the opposite sex to the fullest extent possible. They came to think of themselves as females im-prisoned in male bodies, or vice versa

vice versa.

As a result of the pub-As a result of the pub-ltcity given from time to time to so-called "sex-change operations," many of them went to extreme lengths to importune doctors to perform such operations upon them. Miss Ashley's history accorded very closely with the description of a male transsexual.

transsexual.



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R RANDELL considered her a male homosexual trans-

homosexual trans-sexualist. Profes-sor D e wh urs t agreed and said that the description "a castrated male" would be correct. Dr Armstrong said she was an example of the condition called Inter-sex. a medical concept meaning something between Intersomething between inter-mediate and indeterminate sex, and should be "assigned" to the female

Professor Roth thought she was a case of trans-sexualism with some physical contributory factor. He was prepared to regard the case as one of inter-sex and thought she

regard the case as one of inter-sex and thought she might be classified as a woman "socially." "On this part of the evidence." said the Judge. "my conclusion is that Miss Ashley is correctly described as a male trans-sexual, possibly with some comparatively minor physical abnormality." Dealing with anatomical a nd p hysiological anomalies, the Judge said that all the medical wit-nesses accept that there were at least four criteria for assessing a person's sexual condition. These had been evolved by doctors to systemise

Sexual condition. These had been evolved by doctors to systemise medical knowledge and to assist in deciding the best way of managing the un-fortunate patients who suffered from sexual abnormalities. As Professor Dewhurst observed: "We do not determine sex—in medicine we determine the sex in which it is best for the individual to live." After reviewing the medical evidence at length the Judge concluded: "Miss Ashley has been shown to have XY chromosomes and there-fore to be of male chromo-somal sex; to have had

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