

April Ashley 'left in sort of limbo'

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April Ashley, a model aged 34, heard Mr. Justice Ormrod, who is also a doctor, rule in the High Court that she is not a woman. The judge ruled that Miss Ashley's marriage in 1963 to Mr. Arthur Cameron Corbett, aged 50, heir to Lord Rowallan, was void.

Afterwards Mr. Peter Madok, Miss Ashley's solicitor, said an appeal was being considered. He added: "She has been left in a sort of limbo. The appeal is aimed at sorting out this limbo."

Mr. Justice Ormrod said in his lengthy written judgment that he was the first English judge ever called upon to decide an individual's sex. He added that medical witnesses had agreed that an individual's biological sexual constitution was fixed, at the latest, at birth and could not be changed. Miss Ashley's operation could not affect her true sex.

The judge granted Mr. Corbett, who lives at Finca el Caprica, Marbella, Malaga, Spain, a decree nisi of nullity. He rejected Miss Ashley's claim for a nullity decree on the ground of alleged incapacity or wilful refusal to consummate.

Miss Ashley said of the judgment: "Basically it does not make any difference. I have a lot of friends and I am very well loved." She could not at present remarry, but had not been planning to do so.

Mr. Justice Ormrod, in his judgment, said Miss Ashley admitted that for many years she had been regarded as male, but said she had undergone an operation for the construction of a vagina before the marriage. She alleged Mr. Corbett knew all the material facts before the marriage.

The judge said: "The only cases where the term 'change of sex' is appropriate are those in which a mistake as to sex is made at birth and subsequently revealed by a further medical examination".

Mr. Madok also said: "The effect of this judgment is that the law acknowledges two sexes—male and female. Three specialists who appeared for April were all satisfied she came in a different category—inter-sex."

"One has to be categorized as male or female. The judge found April to be male. Socially the position is quite different."

Mr. Madok said that if Miss Ashley was sent to prison or to a hospital she would be classified as female, and added: "She would be taken to Holloway and not Brixton".

There was also the problem of she would be classified on



April Ashley in London yesterday

her passport. He went on: "This not only affects her but also many, many other people, a lot of whom are happily married but in the same situation as April. The problem is a social one. Legally she is a male but socially she is a woman".

Miss Ashley, wearing a blue maxi-coat and large fur hat, said: "I am absolutely shattered. I have been married for seven years and I have been treated during that time like a married woman. This is incredible. After all, you can only be what you function as, and I can't function as a man."

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