

## Book Review

### The Hidden Case of Ewan Forbes

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Ewan Forbes-Sempill MBChB (1912-1991) was the 11<sup>th</sup> Baronet of Craigievar. His life, and the story of how the title was ultimately passed to him is chronicled in Zoe Playdon's recently published work *The Hidden Case of Ewan Forbes*. But the book is much more than a historical record, for Playdon shines a light into a murky corner of Britain's colonialist power base, highlighting histories intertwined with legal, medical, and pseudo-scientific arguments. It is a corner which some have sought, seemingly for their own ends, to keep secret for many years.

Forbes's life was in many ways unremarkable, and Playdon recounts a tale of a quiet, unassuming man with a love of highland dancing and a deep reverence for the historical Scottish lands and its people. The Forbes-Sempill family have a long history stretching back to the time of the English civil war. Siding with the monarchy, the family kept friendly relations with the present-day royal family during Forbes's life. As a result, young Ewan was born into some privilege and agency. A quirk of fate that was to indelibly shape his life, both for good and for ill.

The book, which is also available in an extremely entertaining and gripping audio format on Audible, is a not just a historical recounting of one person's story but charts the way in which extant social power and colonialist power structures collided around Forbes. Having been assigned female at birth, Forbes lived through the time of the Hirschfield Institute. Created in 1919 by sexologist Magnus Hirschfield and based in Berlin-Tiergarten, the Institute was a ground-breaking organisation, exploring the emerging sexual sciences of the Weimar period. Forbes's birth into a wealthy family dynasty and the good fortune of a somewhat progressive mother, accorded him the fortune and agency to seek treatment there for what we today might recognise as gender incongruence. Visiting the Hirschfield institute on occasion, he also witnessed the rise of Hitler's Third Reich, and the destruction of Hirschfield's knowledge base, followed in the mid to late 20<sup>th</sup> century by a battle with entrenched institutional homophobia in the UK. However, Forbes was not just experiencing this from the viewpoint of someone whom we might today refer to as a trans man, (given how he himself rejected any other form of recognition that wasn't male) but also that of a doctor, a medical professional of his time, having been accepted into medical training at the university of Aberdeen 1939. Forbes completed his training 1944, briefly working as a casualty officer at Aberdeen royal infirmary, before moving into general practice in 1945.

Forbes's quiet, yet privileged, life with his wife Patty was torn asunder by the twin issues of hereditary male primogeniture, and family greed. It transpired that due to his birth he was in line to inherit a Baronetcy – a Scottish title that is passed to next in the male line and cannot be deferred or moved to another until death. However, at the point where this title would have passed to him, an estranged cousin challenged Forbes in the courts, on the basis that he was ineligible to inherit, because he was, in fact, female.

The story of Forbes's battle to clear his name is as gripping as the second thread of this book, the way in which the outcome of the legal challenge was covered up, and the principle of legal precedent undermined for subsequent trans people who appeared before either Scottish or English courts to seek recognition. Researchers of 20<sup>th</sup> century queer and trans history may well know of the April Ashley divorce case (*Corbett v Corbett*), which is widely cited as the landmarking ruling on sex determination. April Ashley had married Arthur Corbett, 3<sup>rd</sup> Baron Rowallan, in 1963, but when the marriage failed Arthur sought to avoid the inheritance issues resultant from divorce. Since there was no proof of either adultery or cruelty, and April herself did not wish to be divorced, a case was constructed on the premise that the marriage had never been legal in the first place, since April had been registered as a boy at birth and therefore should be treated as male. Forbes's and April's cases were heard almost simultaneously in the Scottish and English courts, however Forbes's judgment, which was in his favour, slightly preceded April's. What's is astounding to learn is that the counsel for Ashley were specifically forbidden from referring to Forbes's case in court, as it had by this time been sealed, effectively removing it from the public record.

The issues and questions that this action presents us with are adeptly explained and examined within the writing. Playdon does a masterful job of unravelling the relationships of power, privilege, social etiquettes, scientific knowledge and legal process that were in play at the time, presenting the reader or listener with a spider's web of cause-and-effect judgments that stretch all the way to the modern-day European Court. Remaining pertinent to the present-day discourse and judgment that is affecting the lives of trans people in the UK. Then as now, the media and the legal system seek to either sensationalise or control the lives of those deemed different, and medical knowledge is tangled up in social events and political expediency. The system that results may work for some but does so at severe cost to others. Playdon highlights that for Forbes to even access the care he received was in part the result of his social and family standing, with many medically similar cases dismissed by doctors, or unable to access care because they were of a poor background. This leads the reader to question how issues of social capital are constructed, to what end, and whose benefit?

So, if you are interested in the tangled history of a trans existence, Queer theory, or the medical and scientific discourses within social contexts of a British historical power base, then this book is an essential read. The story may be historical, but its ripples can be felt within an ongoing contemporary discourse of autonomy and legal recognitions, as the ghosts of the past re-emerge, perhaps with new words, but still with an old rhetoric, particularly in a UK context.