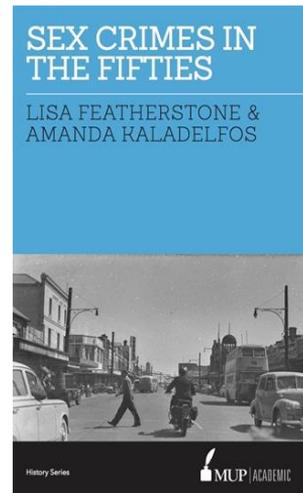


Sex Crimes in the Fifties

by Lisa Featherstone and Amanda Kaladelfos
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Reviewed by Dr Susan Robinson



Many people would assume that the nineteen-fifties was an era that had a conservative and repressive approach to responding to sex crimes, but the book, *Sex Crimes in the Fifties*, by Lisa Featherstone and Amanda Kaladelfos, sheds new light on this. The authors painstakingly assess all the court transcripts of sexual assaults prosecuted in New South Wales in the decade of the fifties to show that despite there being a “good girl” versus “bad girl” mentality, the fifties was a time of progressive change in the way in which sex crimes were understood and responded to. They go further to suggest that the fifties was the decade that paved the way for how sex offences are dealt with by the criminal justice system in Australia today.

The book opens with an over view of how deviance, and particularly, female deviance, was understood in nineteen fifties New South Wales. Women were still expected to hold predominantly domestic roles even though their position in society had been emancipated during World War II when more-and-more women were employed, and actively engaged, in paid employment. In the beginning of the fifties, it was not considered acceptable for a woman to walk alone, especially at night, and if they were sexually assaulted while doing so, it was generally considered that they had “asked for it.” Perpetrators of such an assault were likely to be acquitted by a jury on that basis. By the end of the fifties, this situation had changed and it was less about what the woman was doing at the time and became more focused on the issue of consent.

Featherstone and Kaladelfos set the scene for the book by explaining the social conventions and assumptions of this period that go some way to

explaining why police felt justified in filtering out all cases they thought would not win in court and only sent the more serious cases through to the prosecutors. It is a limitation of the book that only the serious cases have been able to be included, however this function of the criminal justice system says something important about how sex crimes were dealt with in New South Wales at the time.

Another important aspect that comes through in the book is the prosecution and sentencing practices involved in these cases and how the integrity and character of the female victims themselves were put on trial during the court cases even when physical evidence of assault (i.e. medical evidence) existed. Cases where there was no physical violence used were filtered out by police and were therefore not prosecuted. The behaviour and previous sexual experiences of the woman/girl weighed heavily in the decision making of the judge and jury in these cases. If a woman/girl had previous sexual experience, or was seen publicly with male friends, it could be enough to sway a jury to find the perpetrator not guilty. Moreover, medical evidence of assault was seen to be evidence of that the victim was not consenting to the sexual act. A lack of physical evidence left the issue of consent in doubt.

Featherstone and Kaladelfos also considered sexual assault against men, especially male children, and suggest that male sexual assaults tended to be prosecuted more successfully because perpetrators plead guilty and thus avoided an embarrassing court case. Homosexuality was not accepted during the fifties and many of the cases prosecuted, it is argued by the authors, were in fact consensual acts, but where the actors accepted the notion of sexual assault as charged by police in preference to being outed as homosexual.

Even where medical evidence existed to support the allegation of sexual assault, it did not guarantee a successful prosecution as the age of the victim came into play. A younger victim was considered to be pure and inexperienced in sexual matters, whereas the older the victim was not assumed to be pure nor inexperienced. In the latter case, it was therefore likely that defence lawyers could argue that medical evidence of sexual assault was caused by an alternative sexual partner to the accused. In the case of virginal victims, the broken virginity of the victim had to be medically established as evidence of sexual intercourse, and it was the job of the prosecutor to prove the sexual intercourse was non-consensual and perpetrated by the accused individual/s.

The transcripts used in the research for this book contained several cases of incest, but which were generally not prosecuted as such. They were most likely to be prosecuted as carnal knowledge (a lesser crime) with some rape charges finding their way to the high court. Cases involving children were the most difficult of all to prosecute in the fifties, which is not so different to today.

Despite these seemingly inequitable approaches to sexual assault, the authors indicate that rates of arrest and prosecution of sexual assaults on young girls rose dramatically during the fifties, due largely to shifts in the way in which these cases were approached and understood. In particular, offences that involved sodomy, whether on male or female victims, and assaults that resulted in pregnancy, were the offences that attracted the harshest response from the criminal justice system due to a focus on the perceived harm that was caused to the victim.

Featherstone and Kaladelfos provide an authoritative and rigorous research study on sexual assault in the fifties in a way that captures the lived experiences of the victims who were the subjects involved in the case transcripts. They bring to life the criminal justice processes that were in place in New South Wales during the nineteen-fifties and the social context in which it operated. They capture not only the gender biases of the time but also the racial and socio economic biases that existed to influence the decisions such as what cases would be charged and what charges would be laid in addition to prosecution and sentencing decisions. This book is useful for criminological, criminal justice, and feminist academics and students, or anyone else who has a general interest in Australian history and legal development.

ABOUT THE REVIEWER

Dr Susan Robinson is a criminologist and lecturer in the School of Policing Studies, Charles Sturt University in New South Wales. Her research interests include social and criminal justice, child protection, corrections, and policing. She has researched and published in the area of women in policing and has a long standing interest in child protection having worked as a social worker in the child protection system in South Australia, New South Wales, and the United Kingdom.

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