
The popular impression of the 1950s still depicts a sleepy decade when nothing much happened. But in line with revisionist research, Lisa Featherstone and Amanda Kaladelfos’s *Sex Crimes in the Fifties* makes a bold and convincing claim for the 1950s as a pivotal decade in the making of Australian modernity, and of sexuality in particular. Focusing on New South Wales, and drawing on a rich archive of transcripts from criminal proceedings, their book covers a range of sex crimes including rape, carnal knowledge, indecent assault and homosexual offences.
The authors reveal a complex set of patterns that confounds easy generalisation. In rape cases, victims were often brutally cross-examined on their sexual histories. Whereas for other types of offence there was an increase in the number of arrests in the 1950s, this was not so for rape. Courts were especially interested in whether extreme physical violence had occurred, its presence being seen as a surer indication of a lack of consent than victim testimony. In any event, the proportion of convictions seems to have risen, suggesting pre-trial selection processes that looked for evidence of violence as well as shifting moral codes: it was no longer assumed that a woman who ended up alone in male company must have had loose morals in the first place.

In contrast to rape, there was a dramatic increase in carnal knowledge cases, but the age of consent law presented defence barristers with powerful weapons to use against complainants. Offenders could escape conviction if they showed they had reason to believe their victim was older than between 14 and 16 years of age. This allowed defence lawyers open slater on the moral reputation of the victim, and gave rise to what the authors suggest might be called the ‘lipstick defence’ — meaning that a girl who wore lipstick was no girl — and the ‘bag girl’ defence — which hinted that a teenager with well-developed breasts was sufficiently mature to give consent. Outcomes in such cases, moreover, seem to have been complicated by an outbreak of outstanding citizenship on the part of men on trial, and of sexual precocity and moral delinquency among female victims, at least if defence barristers were to be believed. The 1950s panic over teenage delinquency is well known: here we see how it played out in the courtroom, including in cases of gang rape every bit as disturbing as the better-known ones from the nineteenth century.

It is in offences against children that we see the most striking combination of the familiar and the strange. These made up the majority of all cases but, given the role of family members in reporting offences, it is unsurprising that the abuses going on behind the walls of institutions — that is, the matter most in the public spotlight in recent years — do not figure in the courts of the 1950s. There was also precious little official interest in, or recognition of, the psychological harm that abuse might do to children. In general, the courts were interested in the sexual act involved in the crime, and the gender of the victim; these were what most affected how the law regarded the accused. It worried much more where the act was deviant — sodomy rather than vaginal penetration — or where the victim was male rather than female. Unlike today, there was no recognition of the role of power in sexual abuse; it was physical damage to the victim that most preoccupied police, lawyers and judges. Trauma was more likely to be recognised in the case of young male victims, a concern that intersected with the era’s homophobia — it was believed that a boy assaulted by a man was at risk of later becoming homosexual. Sexual crimes against children were certainly taken seriously in general, but more so when the victim was male.

A chapter dealing with sexual offences within the family finds that these cases aroused a surprising level of complacency about potential harm to victims. Here, that quintessential 1950s figure of the solid family man kicked in. Provided a father did his other manly duties, the sexual assault of his daughters was seen as having been mitigated. And if such ideas seem very far from our own, so too does the rather ambiguous place of medical testimony in sex trials. The uncertainties associated with much medical evidence often did nothing to help victims, and
everything to assist defence lawyers plant the seed of reasonable doubt. Similarly, the authors suggest that psychiatry exercised a rather limited influence compared with assessments about the moral danger of particular offenders to society.

*Sex Crimes in the Fifties* includes chapters on the sex crimes of immigrants, and on homosexual offences — the latter breaks new ground in revealing how the intensification of policing, and the dubious methods used to gain arrests and convictions, actually placed police methods under greater scrutiny and attracted damaging criticism. More generally, we are enabled to see that in an era of supposedly rampant homophobia, the law’s actual operation could disrupt the repression of a ‘deviant’ sexual minority. Featherstone and Kaladelfos have also discovered new material on the mysterious committee on homosexuality but, as with previous historians, its final report — if such ever existed — has eluded their forensic searches.

This exemplary study makes an important contribution to the history of policing, the criminal law, children, gender and sexuality. The authors provide a fresh insight into the social history of the 1950s, further contributing to that decade’s growing reputation as a maker of modern Australia.

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