


Formal education after 1870 embedded institutions in the lives of the young; even after they began their working lives at fourteen or fifteen.

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Louise Heren. *Sex and Violence in 1920s Scotland: Incest, Rape, Lewd and Libidinous Practices, 1918–1930*

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This book fills a significant gap in piecing together the historiography of sexual violence. The subject is notoriously difficult to research because of the dearth of existing primary sources and even where records have survived, the legal, moral, and practical issues associated with accessing them. Heren has successfully navigated these challenges securing Special Permission granted by the Lord President, Scotland's most senior judge and Head of the Judiciary, to access criminal proceedings papers of trials held at the National Records of Scotland but that are closed under the 100-year rule. The narrative is informed by a database populated by some 700 cases of post-World War 1 sexual violence trials heard at the Scottish High Court of Justiciary, primarily between 1918 and 1930. Useful pre-war comparisons are drawn with samples harvested at five-yearly intervals from 1885 to 1910. Such dispensation was conditional on all individuals and place names being anonymized, but the datasets still provide a rich and compelling dossier of convincing evidence and lived experiences. The synthesis of case examples is seamless and used to significant effect vividly underpinning and informing the assertions made and conclusions drawn.

The aim of the book is to ascertain the level and impact of indicted sexual crime and assess the extent to which the post-war isolation of men from feminine socialization may have “brutalized” society. Had hatred learned in the trenches (manifested in sexual violence) transferred to the domestic arena now women were expected to return to domesticity and masculine dominance? The focus on Scotland is justified by its social, geographical, and regional diversity though this is only theoretically necessary as the subject matter presents such a unique and unprecedented examination of the incidence of Scottish sexual violence. Similarly, explanations of why “deep history,” why men and why sexual crime speak for themselves. A useful, concise but extensive review of the existing literature provides an excellent starting point for anyone interested in the incidence of and responses to sexual violence in the modern western world.

An outline of the relevant Scottish criminal law and procedure is enlightening not least because of the significant distinctions between the Scottish and English judicial process with the former heavily influenced by French legal philosophy resulting in a quasi-accusatorial-inquisitorial approach. The incorporation of not proven verdicts and 15 jurors is well-known but less so the specific procedures and role of the legal officers. These include the interview of the complainer (complainant) by the Procurator Fiscal in the form of a pre-

recognition statement after initial disclosure to the police. Corroboration requirements to advance a trial at the High Court of Justiciary (Assize), the fact the panel (defendant) had no right to elect jury trial, that children were not always required to attend court and restrictions on press publication before the trial all constitute intriguing differences. Pre-recognition statements could be usefully contrasted with the recent English innovation of permitting pre-recorded interviews of initial disclosure as evidence-in-chief. Aspects of the criminal justice procedure are reiterated in later chapters where examples from the database illustrate the various stages of prosecution albeit some of this content has already been covered. Differences in the substantive law such as the wider definition of incest to incorporate affinity and the offence of lewd and libidinous practices offered more flexibility to prosecute the kinds of sexually abusive behavior not clearly articulated in English law (indecent, coercion, step-relations, etc.).

The most outstanding aspect of the narrative is undoubtedly the interpretation of the dataset and the evidence that it presents in confirming many of the tropes and understandings about sexual violation that others (myself included) have gleaned and inferred from reading secondary sources such as newspaper reportage or contemporary literature. The ethics of sexual crime research and the controversial issue of the historical “naming and shaming” of defendants and victims is thoughtfully and sensitively analyzed offering a template for others who may wish to go down this path. Acknowledgement of their human right to privacy is recognized in the use of “alleged” victim or perpetrator until an outcome is confirmed. Unsurprisingly, many of the findings are predictable such as the legal and social obstacles faced by victims, stereotypical attitudes, the “dark number” of unreported or unproceeded with crimes and absence of middle-class victims and perpetrators. The fundamental point though is that Heren has (as mirrored in actual Scottish legal practice in sexual assault cases), corroborated and substantiated so much of the existing academic commentary with real-life narratives silencing any detracting or critical voices.

As expected, those stories are tragic. Child sexual exploitation sounds depressingly familiar: children were groomed, individually or as multiple victims, they were not believed, abusers were generally known to them, indictments were often downgraded, defendants claimed ignorance of the law, consent or that they were under the influence of alcohol and jurors were unwilling to find perpetrators guilty. Similarly, the incidence of child sexual abuse which, as in Booth’s *In Darkest England*, predominated in the overcrowded Glasgow slums was more prevalent than reports of adult rape which were surprisingly very few – just 54 in the 12 years analyzed most of which were also committed in Glasgow. Heren’s suggestion of a “spike” in 1920/21/22: 11, 12, and 7 rapes, respectively, compared to the annual average of just 4.5 adult rapes recorded for the whole period is somewhat less than persuasive. The analysis of reported rapes in terms of the individual characteristics of defendants and victims again reprises modern representations of rape typologies, rape myths, and understandings of consent. Overall, Heren is to be applauded for such a hugely important contribution to our knowledge and understandings of sexual violence and violation in the past.

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