

# The Francis Forbes Society

For Australian Legal History

The Forbes Society is pleased to inform members of the Society's upcoming events – a legal history tutorial by **Dr Jessica Lake** on Wednesday 1 November @ 5.15pm, followed by the annual Joint Presentation with the **Ngara Yura Committee** by Iman Wesam Charkawi "Before 1770: Discovering Australia's Muslim history" – on 20 November 2023 in Banco Court. The twelfth annual **Plunkett Lecture** will be delivered by the Chief Justice, the Hon A S Bell AC, on 13 February 2024 in Banco Court.

We take this opportunity to remind members of the annual **Australian Legal History Essay Competition** – open to tertiary and secondary students. For further information please contact the Secretary Dr Simon Chapple SC on [secretary@forbessociety.org.au](mailto:secretary@forbessociety.org.au).

Legal history tutorial: **Dr Jessica Lake** will present a tutorial *The Slander of Women: Australia and the gendered reform of defamation in the 19<sup>th</sup> century common law world* in Court 13A, Law Courts Building, 184 Phillip Street Sydney on **1 November 2023**, starting at 5.15pm. No registration is necessary for **in person attendance** – for online viewing please register here: [Dr Jessica Lake - Forbes Tutorial 1 November 2023](#). After registering you will receive an email confirmation **which contains the viewing link** (joining with camera and sound is disabled for events such as this)

In the nineteenth century, a gendered reform movement known as the Slander of Women Acts swept through the common law world, making it easier for women to sue for defamatory allegations of sexual immorality. Under these changes, first initiated in New Jersey in 1790, a woman called a 'whore' or 'unchaste' could bring a civil action for slander without the burden of proving 'special damage'. These reforms, while technical in language, reflected important shifts in understanding about gender, social status and speech and carried significant social and cultural implications. At one level, they enabled individual women to vindicate their reputations, obtain financial compensation and silence vituperative attacks. More broadly, the Slander of Women laws overturned centuries of English precedent – structured around class hierarchies, shaped to address men's injuries, and premised on distinctions between common law and ecclesiastical courts. In the USA, these reforms connected with revolutionary sentiments, an emphasis on 'character' and a paternalistic desire to 'protect' the purity of republican wives and daughters. But what spurred the Australian colonies – New South Wales, South Australia, and Victoria in particular – to break with England on this issue? How did new significance of respectability, ideas of civilisation, and conditions of commerce influence the direction and development of defamation laws in these far-flung colonies? Drawing upon archival research funded in part by the Francis Forbes Society, this presentation will examine Australia's place within this global reform movement

Jessica is a Senior Research and ARC DECRA Fellow in the Institute for Humanities and Social Sciences at the Australian Catholic University in Melbourne. Her first book, *The Face that Launched a Thousand Lawsuits: The American Women Who Forged a Right to Privacy*, was published with Yale University Press in 2016. Her second book on the transnational and gendered history of defamation law is forthcoming with Stanford University Press.

The Society is very grateful to Chief Justice Bell for his permission to use Supreme Court facilities.

We draw attention to the forthcoming Conference "**Enduring Courts in Changing Times**" from **8 to 10 September** at Banco Court, or online. The Conference is being organised by the Australian Academy of Law, the Australian Institute of Judicial Administration and the Australian Law Journal to

mark the forthcoming 2024 bicentenaries of the Supreme Courts of New South Wales and Tasmania. Click here for [Conference tickets \(via eventbrite\)](#) or a link to the [Program](#)

**Membership renewal for 2023 and supporting the Francis Forbes Fund:** A renewal / application form is available here [2023 - 2024 Forbes Membership](#). Memberships are renewed annually and will run to 30 June 2024. Please return a completed renewal / application form to the address on the form or email to [membership@forbessociety.org.au](mailto:membership@forbessociety.org.au).

The Society is dedicated to studying and documenting the history of Australian law. Its membership includes legal practitioners, academics, journalists and students. Benefits of membership include timely notification of legal history events *via* updates emailed to members from time to time and opportunities to obtain discounts on publications from time to time published or arranged by the Society. The Society encourages **donations** to the **Francis Forbes Fund** - members know that one of the Society's objects is to encourage and promote research into Australian legal history, and it maintains a fund for that purpose to which donations may be made.

**Francis Forbes Fund grants for 2023:** Grants from the Fund for **2023** will support:

- *University of Technology Sydney* - Dr Alecia Simmonds 'Race, Legal Status and Subjecthood in Defamation Actions Across the Nineteenth and Twentieth Centuries'
- *Australian National University* - Dr Susan Bartie 'Contribution of Solicitors-General to the field of Australian law and environmental politics'
- *Macquarie University* - Dr Henry Kha 'Wife sales and legal responses in Colonial Australia'
- *Deakin University* - Associate Professor Gabrielle Wolf 'European Medical Émigrés in Tasmania and the Law, 1933-1946'

In addition, the Society supports an annual **Essay prize** for the best paper presented at the ANZLHS Conference, judged by a panel appointed by the Editor of law & history. **Other projects supported by the Fund** – grants from the Fund in **2022** support:

- *University of Adelaide* (Associate Professor Robert Foster) 'Reconciling with the Frontier', which is to produce a digital map of frontier conflict in 19<sup>th</sup> century South Australia, including First Nations stories and oral history accounts;
- *Australian Catholic University* (Dr Jessica Lake) 'The Slander of Women', which will examine why and how the Australian colonies reformed defamation laws in the nineteenth century to make it easier for women to bring claims and better protect their reputations;
- *University of Sydney* (Megan Cameron) an examination of the work of magistrates in early colonial New South Wales (from 1788 until 1835); and
- *University of New South Wales* (Associate Professor Marina Nehme) A study of the legal history of proprietary companies.

**Forbes dates to note for the diary:**

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| 1 Nov 2023     | <b>Dr Jessica Lake</b> (ACU Melbourne) 'The Slander of Women' in Court 13A   |
| 13-14 Nov 2023 | <b>Conference</b> The Spark: The Act that Brought Parliament and the Supreme Court to NSW  |
| 20 Nov 2023    | Joint Forbes Society and <b>Ngara Yura Presentation</b> "Before 1770: Discovering Australia's Muslim history" by Iman Wesam Charkawi in Banco Court. |

**2024**

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| 13 Feb 2024 | Plunkett Lecture by the Chief Justice, the Hon A S Bell in Banco Court @ 5.15pm |
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