

# DEFAMATION CASES

DEFAMATION: The Defamation Act 1963		Defamation Act (1963)
AREA	CASE	FACTS
Defamation	Sim v Stretch	Def ± A statement which tends to: I. Lower P in the estimation of right thinking members of society II. Expose P to hatred, contempt, or ridicule III. Cause other person to shun or avoid P IV. Damage P's financial credit
Ordinary/right thinking man	Byrne v Dean	A private golf-club with an illegal slot-machine in its bar was raided by the police; shortly afterwards, an anonymous poem appeared on a notice board, alleging that P had tipped off the police. P sued the club's proprietors (who had left the poem in place) for libel, but the Court of Appeal said there was nothing capable of being defamatory. <u>Right-thinking people</u> , said the Court, would applaud rather than condemn a man who informed the police that a crime was being committed. Lord Atkin's "the ordinary citizen is neither unusually suspicious nor usually naïve, and he does not always interpret the meaning of words as would a lawyer."
	Lewis v Daily Telegraph	A newspaper reported that the Fraud Squad were investigating the affairs of a company, and the company chairman sued for libel by the implication that he was guilty of fraud. <b>HELD:</b> By majority decisions in both the Court of Appeal and the House of Lords, it was held that the words in the report were not capable of bearing the meaning alleged: <u>to say that someone is suspected of being fraudulent is not the same as saying that they are fraudulent, and the jury are not entitled to infer the second as a meaning of the first.</u>

# Select Cases On Defamation To 1600 Volume 101 1985

**Judith M. Bennett**



## Select Cases On Defamation To 1600 Volume 101 1985:

**Reputation and Defamation** Lawrence McNamara, 2007-12-13 The proposition that the tort of defamation protects reputation has long been axiomatic in the law The axiom's endurance is surprising it has long been observed that the law is riddled with inconsistencies and moreover the courts and the scholarly literature have rarely discussed exactly what reputation is and how judgments about reputation are made Reputation and Defamation develops a theory of reputation and uses it to analyse evaluate and propose a revision of the law It is the first book to present a comprehensive study of what reputation is how it functions and how it is and should be protected under the law Reputation it argues is best understood in terms of the moral judgments a community makes about its members Viewed in this way it becomes apparent contrary to the legal orthodoxy that defamation law did not really aim and function to protect reputation until the early nineteenth century Unfortunately the modern common law has not paid sufficient attention to either the nature of reputation or the historical relationship between reputation and defamation Consequently the tests for what is defamatory do not always protect reputation adequately or appropriately The shun and avoid and ridicule tests have developed so that a publication may be actionable even where it does not tend to prompt a negative moral judgment of the plaintiff These tests should be discarded The principal lowering the estimation test however is for the most part appropriately geared to the protection of reputation Importantly the scope of legal protection has been limited Words will only be actionable if they tend to make right thinking people think the less of the plaintiff The values of Christian tradition and Victorian moralism which became embedded in the concept of the right thinking person are problematic in the current era of moral diversity A revised legal framework is proposed It retains the principal test but re-thinks how and why different criteria for moral judgment should or should not be recognised when courts determine whether an attack on reputation will be actionable as defamation It is argued that the right thinking person should be associated with an inclusive liberal premise of equal moral worth and a shared commitment to moral diversity The proposed framework demands that when courts recognise values at odds with that premise then such recognition must be justified on sound and expressly stated ethical grounds That demand serves to protect reputation appropriately and effectively in an age of moral diversity

Controlling Misbehavior in England, 1370-1600 Marjorie Keniston McIntosh, 2002-06-20 In this important study Professor McIntosh argues against the suggestion that social regulation was a distinctive feature of the decades around 1600 resulting from Puritanism Instead through an examination of 255 village and small town communities distributed throughout England Professor McIntosh demonstrates that concern with wrongdoing mounted gradually between 1370 and 1600 In an attempt to maintain good order and enforce ethical conduct local leaders prosecuted people who slandered or quarrelled with their neighbours engaged in sexual misdeeds operated unruly alehouses or refused to work Professor McIntosh also explores who the offenders were as well as the factors that led to misbehaviour and shaped responses to it More generally Professor McIntosh sheds light on the transition from medieval to

early modern patterns and succeeds here in opening up little known sources and new research methods

**Law and Legal Consciousness in Medieval Scotland** Hector L. MacQueen, 2023-10-20 This book explores the rise of a Scottish common law from the twelfth century on despite the absence until around 1500 of a secular legal profession Key stimuli were the activity of church courts and canon lawyers in Scotland coupled with the example provided by neighbouring England's common law The laity's legal consciousness arose from exposure to law by way of constant participation in legal processes in court and daily transactions This experience enabled some to become judges pleaders in court and transactional lawyers and lay the foundations for an emergent professional group by the end of the medieval period

**Fama** Thelma Fenster, Daniel Lord Smail, 2018-08-06 In medieval Europe the word fama denoted both talk what was commonly said about a person or event and an individual's ensuing reputation one's fama Although talk by others was no doubt often feared it was also valued and even cultivated as a vehicle for shaping one's status People had to think about how to manage their fama which played an essential role in the medieval culture of appearances At the same time however institutions such as law courts and the church alarmed by the power of talk sought increasingly to regulate it Christian moral discourse literary and visual representation juristic manuals and court records reflected concern about talk This book's authors consider how talk was created and entered into memory They address such topics as fama's relation to secular law and the preoccupations of the church its impact on women's lives and its capacity to shape the concept of literary authorship

**Law in Common** Tom Johnson, 2020 Law in Common draws on a large body of unpublished archival material from local archives and libraries across the country to show how ordinary people in the later Middle Ages such as peasants craftsmen and townspeople used law in their everyday lives developing our understanding of the operation of late medieval society and politics

**Medieval Canon Law** James A Brundage, 2014-06-11 It is impossible to understand how the medieval church functioned and in turn influenced and controlled the lay world within its care without understanding the development character and impact of canon law its own distinctive law code However important this can seem a daunting subject to non specialists They have long needed an attractive but authoritative introduction avoiding arid technicalities and setting the subject in its widest context James Brundage's marvellously fluent and accessible book is the perfect answer it will be warmly welcomed by medievalists and students of ecclesiastical and legal history

**The Penn Commentary on Piers Plowman, Volume 1** Andrew Galloway, 2011-06-07 No detailed description available for The Penn Commentary on Piers Plowman Volume 1

**Carnal Knowledge** Martin Ingram, 2017-03-23 How was the law used to control sex in Tudor England What were the differences between secular and religious practice This major study based on a wide range of church and secular court archives explores sexual regulation in London and provincial England before during and immediately after the Reformation

**Law and Theology in the Middle Ages** G.R. Evans, 2012-11-12 An unrivalled introduction to a fascinating subject Law and Theology in the Middle Ages explores the relationship between law and theology in medieval Europe Focusing on legal and theological

responses to justice mercy fairness and sin this text examines the tension between ecclesiastical and secular authority in medieval Europe illustrating areas of dispute in a clear and accessible way **History of Universities** Mordechai Feingold, John Watts, 2019-08-21 This issue of History of Universities Volume XXXII 1 2 contains the customary mix of learned articles and book reviews which makes this publication such an indispensable tool for the historian of higher education Guest edited by Professor John Watts this volume focuses on the history of Corpus Christi College Oxford Corpus Christi College Oxford was founded in 1517 to advance humanistic learning in the service of God This collection of essays by some of the leading historians of late medieval and early modern England takes the early history of the College as a starting point to explore the intellectual social religious political and cultural trends of the era of Renaissance and Reformation Ranging from the fifteenth century to the seventeenth and taking in the study of Greek and Hebrew the practices of antiquarianism charity and divine worship the experience of music punishment and the built environment the networks that connected the college to London and the government and the interactions of scholars with royal policy on religion these fifteen essays and three commentaries aim to expose the multiple perspectives from which an early modern college can be viewed and understood The relationship between Renaissance and Reformation and the social and cultural realities that accompanied these familiar concepts form one central theme in the papers the relationship between religious or educational institutions and the state form another Corpus Christi itself emerges as less innovative than its historic reputation as the first collegium trilingue might suggest but it becomes the gateway to a richer appreciation of the overlapping worlds of learning religion and public life in a time of rapid change Gender and Authority in the Late Medieval Church Ian Forrest, 2025-06-15 Gender and Authority in the Late Medieval Church asks a deceptively simple question How did the governance of the medieval institutional church remain exclusively male despite plentiful evidence of women being as capable and devout as men The remarkable endurance of an all male clergy is an important element of medieval church government one that is frequently taken for granted in the historiography and is connected to another overlooked feature of episcopal authority the strategies that bishops used to secure the compliance of a relatively autonomous clergy As Ian Forrest shows bishops kept their clergy in check through normative standards of masculinity that necessarily disqualified women from leadership roles Everywhere in the medieval church were women who had the capacity the resources and often the ambition to take part in governance from abbesses to priests servants mothers sisters and unofficial wives Bringing together evidence of female activity at the margins of the institutional church Forrest argues that the male monopoly on formal power was haunted by female capability and aspiration at every turn Drawing on case studies from the English diocesan clergy between the mid thirteenth and early sixteenth centuries he explores how women's involvement in governance was rendered unthinkable through the very discursive strategies that bishops used to control their male clergy In doing so Gender and Authority in the Late Medieval Church tells an integrated history that explains how both the exclusion of women and the inclusion of men underpin a rigidly gendered

system of religious governance      *The Reinvention of Magna Carta 1216-1616* John Baker, 2017-01-26 This new account of the influence of Magna Carta on the development of English public law is based largely on unpublished manuscripts The story was discontinuous Between the fourteenth and sixteenth centuries the charter was practically a spent force Late medieval law lectures gave no hint of its later importance and even in the 1550s a commentary on Magna Carta by William Fleetwood was still cast in the late medieval mould Constitutional issues rarely surfaced in the courts But a new impetus was given to chapter 29 in 1581 by the Puritan barrister Robert Snagge and by the speeches and tracts of his colleagues and by 1587 it was being exploited by lawyers in a variety of contexts Edward Coke seized on the new learning at once He made extensive claims for chapter 29 while at the bar linking it with habeas corpus and then as a judge 1606 16 he deployed it with effect in challenging encroachments on the common law The book ends in 1616 with the lectures of Francis Ashley summarising the new learning and a few weeks later Coke's dismissal for defending too vigorously the liberty of the subject under the common law      **Naming the People of England, c.1100-1350** Dave Postles, 2020-05-15 Medieval historians have for some time recognized the significance of personal naming processes and patterns for the illumination of social relations such as kinship and spiritual kinship or godparenthood Increasingly they are employing the investigation of personal naming anthroponymy as part of their elucidation of cultural change attempting through changes in patterns of personal naming to discern cultural transitions and transformations Recent coordinated research on the European continent has produced major collaborative discussion of the cultural implications of naming in France the Iberian peninsula and Italy The fruits of new research into the Germanic lands have also richly enhanced our understanding of cultural change there So it is predicated that a new trans European culture arose in the centuries about and after the year 1000 Omitted from this coordinated understanding of the arrival of a new European cultural tradition as it came to persist is the British archipelago We are however far from devoid of scholarly examination of the culture of personal naming in the British Isles An older generation of linguists produced a basic foundation although it has not remained free of some criticism Subsequently several scholars have independently advanced the interpretive analysis Clark Fellows Jensen Insley and McClure At one level then this book attempts a synthesis of that previous highly valuable but diffuse research to make it more widely known understood and accessible At another level nonetheless it engages with what has become a prevailing narrative of cultural change in England after the Norman Conquest the rapid transformation of English naming and culture through the assimilation of a new dominant extraneous influence By reinserting the detail and complexity it is hoped to demonstrate that far from a single uniform homologous culture there existed residual even resistant and regional cultures The account it is hoped presents a cohesive new narrative of the cultural implications of personal naming in England whilst also addressing important issues of gender politics and social organization      **A History of Australian Tort Law 1901-1945** Mark Lunney, 2018-01-11 Little attention has been paid to the development of Australian private law throughout the first half of the twentieth century Using

the law of tort as an example Mark Lunney argues that Australian contributions to common law development need to be viewed in the context of the British race patriotism that characterised the intellectual and cultural milieu of Australian legal practitioners Using not only primary legal materials but also newspapers and other secondary sources he traces Australian developments to what Australian lawyers viewed as British common law The interaction between formal legal doctrine and the wider Australian contexts in which that doctrine applied provided considerable opportunities for nuanced innovation in both the legal rules themselves and in their application This book will be of interest to both lawyers and historians keen to see how notions of Australian identity have contributed to the development of an Australian law

**Landmark Cases in Defamation Law** David Rolph, 2019-08-22 Landmark Cases in Defamation Law is a diverse and engaging edited collection that brings together eminent scholars from the United Kingdom the United States Australia Canada and New Zealand to analyse cases of enduring significance to defamation law The cases selected have all had a significant impact on defamation law not only in the jurisdiction in which they were decided but internationally Given the formative influence of English defamation law in the United States Australia Canada and New Zealand the focus is predominantly on English cases although decisions of the United States and Australia are also included in the collection The authors all naturally share a common interest in defamation law but bring different expertise and emphasis to their respective chapters Among the authors are specialists in tort law legal history and internet law The cases selected cover all aspects of defamation law including defamatory capacity and meaning practice and procedure defences and remedies

**Ale, Beer, and Brewsters in England** Judith M. Bennett, 1996-11-07 Women brewed and sold most of the ale consumed in medieval England but after 1350 men slowly took over the trade By 1600 most brewers in London were male and men also dominated the trade in many towns and villages This book asks how when and why brewing ceased to be women's work and instead became a job for men Employing a wide variety of sources and methods Bennett vividly describes how brewsters that is female brewers gradually left the trade She also offers a compelling account of the endurance of patriarchy during this time of dramatic change

**Trial by Jury** James Oldham, 2006-06 While the right to be judged by one's peers in a court of law appears to be a hallmark of American law protected in civil cases by the Seventh Amendment to the Constitution the civil jury is actually an import from England Legal historian James Oldham assembles a mix of his signature essays and new work on the history of jury trial tracing how trial by jury was transplanted to America and preserved in the Constitution Trial by Jury begins with a rigorous examination of English civil jury practices in the late eighteenth century including how judges determined one's right to trial by jury and who composed the jury Oldham then considers the extensive historical use of a variety of special juries such as juries of merchants for commercial cases and juries of women for claims of pregnancy Special juries were used for centuries in both English and American law although they are now considered antithetical to the idea that American juries should be drawn from jury pools that reflect reasonable cross sections of their communities An introductory overview addresses the relevance

of Anglo American legal tradition and history in understanding America s modern jury system      **Judges and Judging in the History of the Common Law and Civil Law** Paul A. Brand,Paul Brand,Joshua Getzler,2012-01-12 Leading historical research analysing the history of judges and judging allowing comparisons between British American Commonwealth and Civil Law jurisdictions      **The Early Tudor Church and Society 1485-1529** John A.F. Thomson,2014-06-17 This text surveys all aspects of the Church s structure role and relationship with the laity in the period 1485 to 1529 The picture that emerges is far from the corruption and instability of conventional wisdom and the varied sources also provide a vivid insight into Tudor life      *A Centenary Guide to the Publications of the Selden Society* Selden Society,David Eryl Corbet Yale,John Hamilton Baker,1987

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