



**Carleton**  
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Canada's Capital University

Department of Law  
and Legal Studies

The **Chet Mitchell Lecture Series** invites you to a talk by

**Ngaire Naffine**

*Rewriting the Common law of Rape:*

*The Marital Immunity and the Australian Case of PGA(2012)*

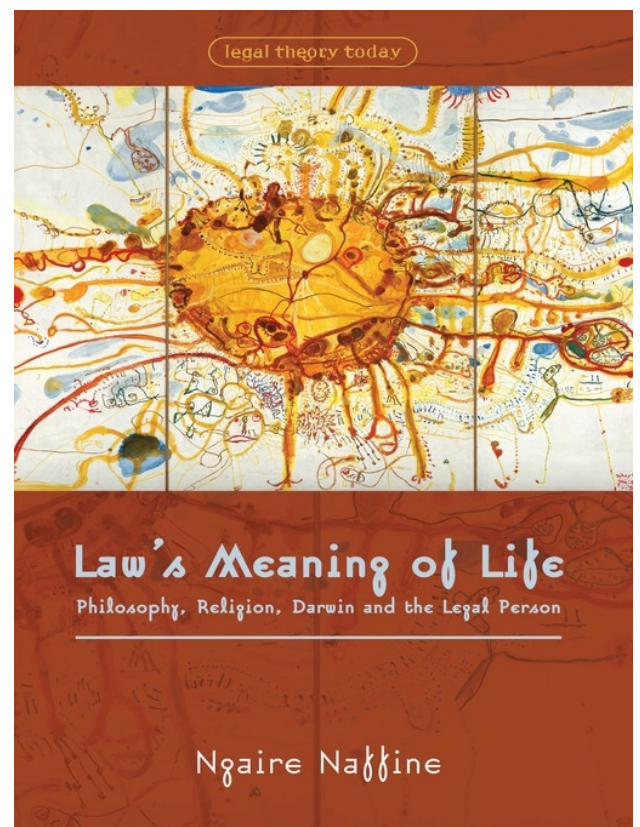
**October 11, 2012 at 6:00pm**

**Room 342, Tory Building**

In May 2012, the High Court of Australia in *PGA*, determined that the husband's immunity from prosecution for the rape of his wife had ceased to be part of the common law of Australia 'at least by the time of the enactment of s 48 of the Criminal Law Consolidation Act (South Australia) in 1935', if it ever had been 'part of the common law of Australia.'

This entailed a retrospective removal of a central, though perhaps negative, feature of one of the two most serious crimes possible, as criminal lawyers themselves characterise and calibrate criminal offences. Something very big happened in the criminal common law in *PGA*, but in a manner that was made to appear minimal. Why?

**Ngaire Naffine** is a Professor of Law at the University of Adelaide in Australia and works in the areas of criminology, criminal law, jurisprudence, feminist legal theory and medical law. Her most recent book is: *Law's Meaning of Life: Philosophy, Religion, Darwin and the Legal Person*, published by Hart in 2009.



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