Defensive homicide was a partial defence to be applied when defensive homicide is being misused and requires reform. The reform was aimed at situations such as domestic violence usually against women. It has, however, been used by men accused of killing their partners in a way the legislators had not intended.

### Exceptional cases

The domestic abuse and post-traumatic stress suffered by a woman has been taken into account by the Federal Magistrates’ Court when it applied provisions relevant to exceptional cases. The husband spent four and a half years in prison between 1999 and 2009. He had assaulted his partner, stalked her, made threats to kill and breached 22 intervention orders. While in prison he took action in the Federal Magistrates’ Court seeking $154,500 from his former partner but instead was ordered to pay $100,425 to her. He had made more payments on the matrimonial home than she but her lawyers argued successfully his continuous violence had made her contributions much more onerous. (The Age, 15 June 2010).

### Cruel punishment!

The Times has reported that an Iranian woman, Sakineh Ashtiani, has been spared the punishment of death by stoning only to face possible hanging. Accused of adultery Ms Ashtiani, a 43-year-old mother of two, has already received 99 lashes and her plight has provoked international outrage. The British Foreign Secretary described stoning as, ‘a medieval punishment that has no place in the modern world.’ He warned if it was carried out it would disgust and appal the watching world. Many other world leaders and celebrities have made similar protests. Ms Ashianti was unable to divorce her abusive husband and was accused and convicted of an ‘illicit relationship’.

### Say what you @#$%&*!!!!-well like!

A US Appeals Court had decided a law banning ‘fleeting expletives’ on television breaches the First Amendment. The 2004 law introduced by the Federal Communications Commission (‘FCC’) was described by the Court as vague, inconsistent and unconstitutional. Judge Rosemary Pooler said the FCC had found some commonly used expressions to be indecent while others such as, ‘pissed off’ ‘up yours’ and ‘kiss my ass’ were not ‘patently offensive.’ The Court found that the law kept the television networks second guessing about which expressions the FCC would find offensive and thereby imposed self-censorship.

### Madge E Strait

Madge E Strait is a feminist lawyer.