

LEGAL STUDIES

Walking in her shoes: the law of self-defence



Walking in her shoes, by Anthony Hopkins and Patricia Easteal, looks at self-defence and how the law applies to cases involving battered women. In this exercise, students consider the law of self-defence and how the law has changed in some states to take into account the experiences of battered women. In the final activity, students design their own research questions and reflect on the ideas they have explored.

Part A

Read *The Challenge of Reasonableness*. Then, working individually, answer the following questions:

1. What is the law about self-defence?
2. The authors suggest that the law of self-defence can be more easily applied to the case of a bar-room brawler than a battered wife.
 - a. What do you think the term 'battered wife' means?
 - b. How is the case of a battered wife similar to the case of a bar-room brawler? How do they differ?
 - c. If you were to write a headline about self-defence right now, which captured the most important aspect to be remembered, what would it be?

Part B

Working in groups of three or four, answer the following questions:

1. Share your headlines from Part A. Each group member should:
 - a. Explain what they considered to be the most important aspect;
 - b. How their headline summed up that aspect.
2. Read the section *The common law and the challenge of reasonableness*.
 - a. The common law test for self-defence was set out in *Zecevic v DPP (Vic)* 1987. Using dot points, list the key elements that a defendant would need to prove in order to claim self-defence.
 - b. What do the terms 'subjective' and 'objective' mean? What is the difference between a 'subjective view' and an 'objective view'?
 - c. What is the difference between an 'imminent threat' and a 'pre-emptive strike'?
 - d. List the factors that will be taken into account to determine if a response is reasonable.
 - e. What is excessive self-defence?

3. Read *Law reform and the challenge of reasonableness*, then draw up a chart like the one below. Using dot points, note what your group consider to be the five most important statements about the law in each state.

Victoria	Western Australia	Queensland

4. How would your headline change, based on the work you completed in Part B?

Part C

Working in pairs, reflect on the issues raised in the article.

1. Brainstorm a list of at least 12 questions about this topic. Use the question starts below to help you form some questions:

- Why ...?
- Is there a better solution to ...?
- How would it be different if ...?
- What are the reasons ...?
- Suppose that ...?
- What if ...?
- What would happen if ...?
- What if we knew ...?
- What is the purpose of ...?
- What are some of the problems of ...?
- Is there a connection between ...?
- What would change if ...?

2. Review your brainstormed list of questions. Draw a star next to the questions that seem most interesting. Then select three or four of the starred questions to research. Present your findings as a poster. Write a headline to sum up the most important aspects of your research.

3. Complete a personal written reflection: What new ideas do you have about self-defence and battered women that you didn't have before?

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