

Castle Doctrine? Stand your ground? Duty to retreat? I like *Make My Day!*



I was reading a post on APN (<http://www.americanpreppersnetwork.com/2010/12/castle-doctrine-laws-by-state.html>) the other day and got to wondering just what the “Castle Doctrine” (aka Defense of Habitation Law) was and what in the world is the difference between “stand your ground”, “duty to retreat”, “line in the sand”, and “retreat to the wall” are. Well let me tell you it is not as clear cut in America today as it is in other countries or in days of yore!!



The Make My Day nickname is from the Dirty Harry Sudden Impact film

*"When a strong man, fully armed, guards his house, his possessions are safe."
Luke 11:21*



What I found out is that the Castle Doctrine is probably one of the oldest and most documented self-defense with deadly force ideologies in human history. It traces its existence back to Biblical times (Exodus) and English Common Law (ah ha, now I understand the “retreat to the wall” phrase); most notably in 1651 Hobbes Great Britain as the "act of defending oneself" and then in a sports sense with references to fencing (1728) and boxing (1820s). It appears that human kind has been warring with the differences between murder and deadly force self-defense since the beginning of time.



All of the above phrases are basically attempting to define the various examples of deadly force in self-defense, or in our country, more like the “defense of self-defense”. To add to this confusion is the fact that the interpretation of each of these phrases is different in each state and different between the states and federal government.

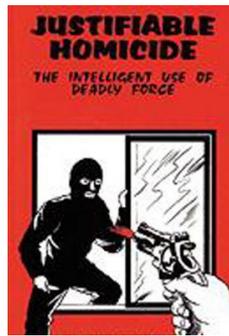


In the United States the right to defend oneself, loved ones, property and guests, with deadly force if necessary, was expanded to our states and country in the 2nd Amendment of our Bill of Rights. The 10th Amendment gives each state its own sovereignty, independent from the central government, to produce and enforce its own rules, regulations and guidelines for its citizens. This makes the Castle Doctrine very powerful and should *not* be taken lightly. It also explains why the doctrine is so widely debated and has all the additional “phrases of explanation” to it.



So because of the Bill of Rights each state has established its own laws concerning the Castle Doctrine. The states do this by using various clauses in their constitutions and or Criminal Law documents and their own definitions of “legal property, access, defense”, etc. with regards to deadly force. While our federal judicial and legislative branches have their own definitions and interpretations. Both utilize the (in my book) egotistical wordy, double-speak mumbo jumbo way of writing this down for us of the “common masses”. All of which does nothing but muddy the waters.

*"Though defensive violence will always be 'a sad necessity' in the eyes of men of principle, it would be still more unfortunate if wrongdoers should dominate just men."
St. Augustine*



Bottom line here is that in the United States there is *no* specific meaning that applies across the board, from federal to state to judicial and legislative levels. On top of that all of these terms and phrases have different meanings depending on *which state* and *which court* is looking at what *specific case*, at any *specific time*. Basically us citizens must make a *split second decision* as to *which interpretation we can use to defend* ourselves, loved ones and property, while *risking death* if we fail to make this decision quickly or *face prison* if we make a wrong decision, based on the previously mentioned judges, courts, laws, statutes, bills, acts and constitutions *at any given time*. Now that was a mouthful but I think you get my drift!



The meanings to these terms are so dang blasted confusing that even the law and resource web sites appear to have contradictory information. If you don't believe me take a gander:

'Self-defense is nature's eldest law.'
John Dryden

South Carolina: "Persons not "required to *needlessly* retreat." *Right define needlessly.*

Washington: "Homicide justifiable in the *lawful defense* of self or other persons present; and there is *imminent danger* of such design being accomplished ...or in the actual resistance of an attempt to commit a felony... *or upon or in a dwelling, or other place...*" *What is the difference between "actual resistance" and regular resistance?*



California in their Penal Code – “sets forth that unlawful, forcible entry into one's residence by someone not a member of the household creates the presumption that the resident held a *reasonable fear of imminent peril of death* or great bodily injury should he or she use deadly force against the intruder.” Then in their Criminal Justice books – gives the instruction, "A defendant is not required to retreat. He or she is entitled to stand his or her ground and defend himself

or herself and, if *reasonably necessary*, to pursue an assailant until the danger ... has passed. This is so even if safety could have been achieved by retreating." However, it also states that "[*People v. Ceballos*] specifically held that burglaries which 'do not reasonably create a fear of great bodily harm' are not sufficient 'cause for exaction of human life.'" The court held that because a "trap-gun" was used, the doctrine did not apply." *Imminent peril, define imminent?*



Colorado: states "...any occupant of a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when that other person has made an unlawful entry into the dwelling, and when the occupant has a *reasonable belief* that such other person has committed a crime in the dwelling in addition to the uninvited entry, or is committing or intends to commit a crime against a person or property in addition to the uninvited entry, and when the occupant reasonably believes that such other person might use any physical force, no matter how slight, against any occupant." *Reasonable belief? And just how is the person to know if a crime has been committed or that the intruder might use physical force?*



Hawaii dictates that "Retreat is required outside the home if it can be done in "complete safety."" *Oh yeah this is real clear "IF" it "CAN" be done in "COMPLETE SAFETY"!*

'Even in the best and most peacefully civilized countries many occasions arise when a woman versed in the knowledge and use of firearms may find that information and skill of great importance.'
Annie Oakley, Oct. 1919

Illinois has no requirement of retreat, use of deadly force is justified and specific legislation prevents filing claim against defender of dwelling. *Wow is it really this clear and easy in this state?*

Kansas has no duty of retreat and use of force in defense of *one's dwelling* is justified. *It's the on "one's dwelling" that gets batted around in the courts here.*

'Self defense is a part of the law of nature; nor can it be denied the community, even against the king himself.'
William Barclay

Maine states “Deadly force is justified to terminate criminal trespass AND another crime within home, or to stop unlawful and imminent use of deadly force, or to effect a citizen's arrest against deadly force; duty to retreat not specifically removed”. *Here is another one of those “imminent” catch alls - “to stop unlawful and imminent use of deadly force”.*



Maryland on the other hand has case-law but no statute that incorporates the common law castle doctrine into its self defense laws. Since there is no statute their mixed cases result in “invitees or guests *may have duty to retreat*”. *Oh yeah let's leave this open to battle in the courts on a case by case basis! Must be great job security...*

Michigan does not relieve the duty to retreat “unless [deadly force is] *necessary to prevent imminent death ...*” *Which boils down to it does not require retreat unless it can be “safely” done and define “necessary” and “imminent”.*



Although **Minnesota** has no duty to retreat before using deadly force in “self defense” or “to prevent a felony in one's place of abode” it also has four cases where duty of retreat was upheld. *Now how often does the homeowner have a crystal ball to see the future to know a felony is going to be committed, yet alone just what is a felony is or not?*

Missouri has a good one: “Extends to any building, inhabitable structure, or conveyance of any kind, whether the building, inhabitable structure, or conveyance is temporary or permanent, mobile or immobile (e.g., a camper, RV or mobile home), which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night, whether the person is residing there temporarily, permanently or visiting (e.g., a hotel or motel), and any vehicle. The defense against civil suits is absolute and includes the award of attorney's fees, court costs, and all reasonable expenses incurred by the defendant in defense of any civil action brought by a plaintiff.” *OK this sounds nice. Does anyone know if it works as it reads?*



New Jersey is vague with its “retreat required outside home *if* actor knows he can avoid *necessity* of deadly force in complete safety, etc.” rendering. “*If*”, “*necessity*”, “*complete safety*”?

Ohio extends its no duty to retreat if home to “vehicles of self and immediate family”. *Now what is “vehicles of self”?*

*“If someone has a gun and is trying to kill you,
it would be reasonable to shoot back with your own gun.”
The Dalai Lama*

Although **Oregon** has no duty to retreat if home, it seems to test this law with just about every case, thus constantly re-defining the law. Like in *State of Oregon vs Sandoval* the states Supreme Court ruled that the “sets out a specific set of circumstances that justify a person's use of deadly force (that the person *reasonably* believes that another person is using or *about to use* deadly force against him or her) and does not interpose any additional requirement (including a requirement that there be no means of escape).” *Good one “reasonably believes” and “no means of escape”, we need that crystal ball again.*



Idaho does have a duty to retreat doctrine yet it has passed other acts, bills, etc that state that “Homicide is justified if defending a home from “tumultuous” entry”. *Ok what the hey is “tumultuous entry”?*

New York seems to contradict itself with “May not use deadly physical force if he or she *knows* that with *complete* personal safety, to oneself and others he or she may avoid the necessity of so doing by retreating; *except* that the actor is under no duty to retreat if he or she is in his or her dwelling and not the initial aggressor.” *Now if you can't say it in one breath you gotta wonder if you should be saying it all and define “complete personal safety”.*



Pennsylvania has a statute that says “*defense of self there is no obligation to retreat from the home or workplace unless the actor was the initial aggressor*”. This is defined in PA Constitutional Statute 507 with: “*allows the use of deadly force if the actor believes there has been an unlawful entry into his or her dwelling and believes that nothing less than*

deadly force will end the incursion; if the person on the receiving end of the deadly force is "attempting to dispossess [the actor] of his dwelling otherwise than under a claim of right to its possession;" or if deadly force is the only thing that will prevent a felony from being committed in the dwelling. In any of those cases, the property owner must **first ask the interloper to desist** — unless the owner believes that doing so would be "useless," "dangerous," or would result in the property being defended coming to substantial harm before the request to desist could be effectively communicated." Then the courts goes on to modify this in a case between co-workers stating: "surrendering possession of a thing to a person asserting a claim of right thereto" and "complying with a demand that [one] abstain from any action which [one] has no duty to take" are listed in addition to retreating as avenues which, if open to the actor but not taken, invalidate justification for the use of deadly force. Deadly force itself is not justifiable unless "the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat." *All these "ifs" are the mud in this one and bottom line here is that it is up in the air and at the mercy of the way any judge or court wants to define this gobbly gouk at any given time.*



South Dakota gets short and sweet, but rather vague with "Homicide is justifiable *if* committed by any person while resisting any attempt to murder such person, or to commit any felony upon him or her, or upon or in any dwelling house in which such person is." *So I guess if a dude breaks in and just wants to rape and beat the crap out of a woman, in her own home, she cannot use deadly force for defense because she doesn't KNOW the intruder is just going to just beat the crap out of her instead of kill her - right, who wrote this BS?*

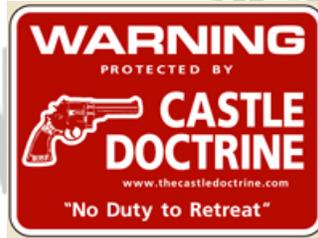


My own state of **New Mexico** appears to be case based with **no** civil immunity for self defense in its self defense statutes. Most of what I read kept referring to: "Section 30-2-7A NMSA 1978 provides that a homicide is justifiable when committed in the necessary defense of property." Although this statute has been a part of New Mexico law since 1907, the New Mexico appellate courts have **never** given the statute a broad interpretation. The New Mexico courts have **consistently** held, not always referring to the statute, that one **cannot** defend his property, other than his habitation, from a **mere trespass** to the extent of killing the aggressor. (*State v. McCracken*, 22 N.M. 588, 166 P. 1174 (1917); *State v. Martinez*, 34 N.M. 112, 278 P. 210 (1929); *State v. Couch*, 52 N.M. 127, 193 P.2d 405 (1946)".) — **Add to this - the failure in 2007 of House Bill 163**, of the 48th Legislature (1st session) presented by John A. Heaton, which was titled: "An Act. Relating to Criminal Law; Providing for justifiable use of defensive force." **that would have instituted a Stand Your Ground law for NM and NM is a NO Castle Doctrine state of case by case enforcement.** (You can download this bill @www.handgunlaw.us/documents/legislative-pdf/HB0163.pdf).

Now where do these people get off thinking that these nifty terms are clear and concise?

needlessly
 if
 safely
 may
 imminent peril
 mere trespass
 necessity/necessary
 tumultuous
 actual resistance
 vehicles of self

Based on the sources below, with their quantifying dates of application, this is where the individual states stand on: *Castle Doctrine - Stand Your Ground - Defense of Habitation Law - Make My Day - Duty to Retreat* or whatever you want to call it and however the states and feds have defined it.



If anyone can clear up some of this contradictory information please send the state code to TheCastleDoctrine.com via their online email form @ <http://www.thecastledoctrine.com/id4.html>.



Castle Doctrine State by State Table per TNT research as of December 5, 2010

State	Stand Your Ground (SYG) Castle Doctrine (CD) No Duty to Retreat if in home (NDR-H) No Duty to Retreat anywhere or undefined (NDR) Nada (N)	Comment	Date of Source	Source
Alabama	SYG		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Alaska	NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Arizona	SYG		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Arkansas	N		2010 (01) January 18	http://wrongfuldeath.lawyersection.com/01/18/2010/the-castle-doctrine-self-defense-laws-that-protect-you-from-harm/

Castle Doctrine - Continued

State	Stand Your Ground (SYG) Castle Doctrine (CD) No Duty to Retreat if in home (NDR-H) No Duty to Retreat anywhere or undefined (NDR) Nada (N)	Comment	Date of Source	Source
California	NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Colorado	NDR-H		2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine
Connecticut	NDR-H		2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine
District of Columbia	N		2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine
Florida	SYG		2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine
Georgia	SYG		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Hawaii	NDR-H		2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine
Idaho	CD weak		2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine
Illinois	NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Indiana	SYG		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Iowa	N		2008 (06) June 21 2010 (01) January 18	http://en.wikipedia.org/wiki/Castle_doctrine http://wrongfuldeath.lawyersection.com/01/18/2010/the-castle-doctrine-self-defense-laws-that-protect-you-from-harm/
Kansas	NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Kentucky	SYG		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Louisiana	SYG		2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine
Maine	NDR-H		2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine
Maryland	NDR-H		2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine
Massachusetts	NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Michigan	NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Minnesota	NDR-H		2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine
Mississippi	NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Missouri	NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Montana	CD weak	Considering	2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Nebraska	N		2008 (06) June 21 2010 (01) January 18	http://en.wikipedia.org/wiki/Castle_doctrine http://wrongfuldeath.lawyersection.com/01/18/2010/the-castle-doctrine-self-defense-laws-that-protect-you-from-harm/
Nevada	NDR-H weak N	Wikipedia is the optimistic one	2008 (06) June 21 2010 (01) January 18	http://en.wikipedia.org/wiki/Castle_doctrine http://wrongfuldeath.lawyersection.com/01/18/2010/the-castle-doctrine-self-defense-laws-that-protect-you-from-harm/
New Hampshire	N	Considering	2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
New Jersey	NDR-H	Statutes 2C:3-4, retreat required outside home if actor knows he can avoid necessity of deadly force in complete safety, etc.	2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine
New Mexico	N	Uses state constitution and criminal statutes to define self defense with deadly force. Failed to pass a NDR bill in 2007.	2008 (06) June 21 2010 (01) January 18	http://en.wikipedia.org/wiki/Castle_doctrine http://wrongfuldeath.lawyersection.com/01/18/2010/the-castle-doctrine-self-defense-laws-that-protect-you-from-harm/
New York	N	Upholds castle doctrine in general, but relies on case law instead of specific	2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine http://www.helium.com/items/1864986-the-castle-doctrine

Castle Doctrine - Continued

State	Stand Your Ground (SYG) Castle Doctrine (CD) No Duty to Retreat if in home (NDR-H) No Duty to Retreat anywhere or undefined (NDR) Nada (N)	Comment	Date of Source	Source
		legislation, may enforce a duty to retreat and may impose specific restrictions on the use of deadly force.	2010 As of	
North Carolina	NDR-H		2008 (06) June 21	http://en.wikipedia.org/wiki/Castle_doctrine
North Dakota	NDR-H N	Wikipedia is the optimistic one	2008 (06) June 21 2010 (01) January 18	http://en.wikipedia.org/wiki/Castle_doctrine http://wrongfuldeath.lawyersection.com/01/18/2010/the-castle-doctrine-self-defense-laws-that-protect-you-from-harm/
Ohio	NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Oklahoma	CD weak		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Oregon	NDR-H CD N	Helium says No, Wikipedia & WrongfulDeath say Yes. My guess is that whatever they have it must be awfully weak or no statutes and is case by case.	2008 (06) June 21 2010 (01) January 18 2010 As of	http://en.wikipedia.org/wiki/Castle_doctrine http://wrongfuldeath.lawyersection.com/01/18/2010/the-castle-doctrine-self-defense-laws-that-protect-you-from-harm/ http://www.helium.com/items/1864986-the-castle-doctrine
Pennsylvania	CD weak N	Helium says No, Wikipedia & WrongfulDeath say Yes. My guess is that whatever they have it must be awfully weak or no statutes and is case by case.	2008 (06) June 21 2010 (05) May 28 2010 (01) January 18 2010 As of	http://en.wikipedia.org/wiki/Castle_doctrine http://wrongfuldeath.lawyersection.com/01/18/2010/the-castle-doctrine-self-defense-laws-that-protect-you-from-harm/ http://www.helium.com/items/1864986-the-castle-doctrine
Rhode Island	NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
South Carolina	NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
South Dakota	CD weak	Very weak, no specific statute, upholds in general	2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Tennessee	SYG		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Texas	SYG		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Utah	SYG NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Vermont	N		2008 (06) June 21 2010 (01) January 18	http://en.wikipedia.org/wiki/Castle_doctrine http://wrongfuldeath.lawyersection.com/01/18/2010/the-castle-doctrine-self-defense-laws-that-protect-you-from-harm/
Virginia	N		2008 (06) June 21 2010 (01) January 18	http://en.wikipedia.org/wiki/Castle_doctrine http://wrongfuldeath.lawyersection.com/01/18/2010/the-castle-doctrine-self-defense-laws-that-protect-you-from-harm/
Washington	SYG weak	Case based	2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
West Virginia	NDR-H		2008 (06) June 21 2010 (05) May 28	http://en.wikipedia.org/wiki/Castle_doctrine
Wisconsin	N		2010 (01) January 18 2010 As of	http://wrongfuldeath.lawyersection.com/01/18/2010/the-castle-doctrine-self-defense-laws-that-protect-you-from-harm/ http://www.helium.com/items/1864986-the-castle-doctrine

American Heritage Dictionary: self-defense

[Home](#) > [Library](#) > [Literature & Language](#) > [Dictionary](#)

(self'di-fens')

n.

1. Defense of oneself when physically attacked: *took a course in self-defense.*
2. Defense of what belongs to oneself, as one's works or reputation.
3. Law. The right to protect oneself against violence or threatened violence with whatever force or means are reasonably necessary.

self-defensive self-de-fen'sive adj.

Random House Word Menu: categories related to 'self-defense'

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For a list of words related to **self-defense**, see:

-  [Customs, Formalities, and Practices](#) - self-defense: act of repelling physical assault by force, used as plea to justify otherwise criminal act
-  [Legal Procedures and Trials](#) - self-defense: defense of criminal act by claiming danger to accused existed at time of commission

Britannica Concise Encyclopedia: self-defense

[Home](#) > [Library](#) > [Miscellaneous](#) > [Britannica Concise Encyclopedia](#)

In criminal law, an affirmative defense (e.g., to a murder charge) alleging that the defendant used serious force necessarily for self-protection. The claim of self-defense must normally rely on a reasonable belief that the other party intended to inflict great bodily harm or death and that avoidance by retreating was impossible. See also homicide.

For more information on [self-defense](#), visit [Britannica.com](#).

US Defense Department Military Dictionary: self-defense

[Home](#) > [Library](#) > [History, Politics & Society](#) > [Military Dictionary](#)

(DOD) A commander has the authority and obligation to use all necessary means available and to take all appropriate action to defend that commander's unit and other US forces in the vicinity from a hostile act or hostile intent. Force used should not exceed that which is necessary to decisively counter the hostile act or intent and ensure the continued safety of US forces or other persons and property they are ordered to protect. US forces may employ such force in self-defense only so long as the hostile force continues to present an imminent threat.

Word Tutor: self-defence

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IN BRIEF: n. - The act of protecting your body.

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der.weebly.com

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This entry contains information applicable to United States law only.

The protection of one's person or property against some [injury](#) attempted by another.

Self-defense is a [defense](#) to certain criminal charges as well as to some civil claims. Under both [criminal law](#) and [tort law](#), self-defense is commonly asserted in cases of homicide, assault and battery, and other crimes involving the attempted use of violence against an individual. Statutory and [case law](#) governing self-defense is generally the same in tort and criminal law.

A person claiming self-defense must prove at trial that the self-defense was justified. Generally a person may use [reasonable](#) force when it appears reasonably necessary to prevent an impending injury. A person using force in self-defense should use only so much force as is required to repel the attack. Nondeadly force can be used to repel either a nondeadly attack or a deadly attack. [Deadly force](#) may be used to fend off an attacker who is using deadly force but may not be used to repel an attacker who is not using deadly force.

In some cases, before using force that is likely to cause death or serious bodily harm to the aggressor, a person who is under attack should attempt to retreat or escape, but only if an exit is reasonably possible. Courts have held, however, that a person is not required to flee from his own home, the fenced ground surrounding the home, his place of business, or his automobile.

A person who is the initial aggressor in a physical encounter may be able to claim self-defense if the tables turn in the course of the fight. Generally a person who was the aggressor may use nondeadly force if the victim resumes fighting after the original fight ended. If the original aggressor attacked with nondeadly force and was met with deadly force in return, the aggressor may respond with deadly force.

Courts and tribunals have historically accepted self-defense as a defense to a legal action. As a matter of [public policy](#), the physical force or violence associated with self-defense is considered an acceptable response to aggression.

The same values that underpin self-defense support the defense of property. Generally a person has greater latitude in using physical force in the defense of her dwelling than in the defense of other property. In most jurisdictions deadly force is justified if a person unlawfully enters onto property and the property owner reasonably believes that the trespasser is about to commit a [felony](#) or do harm to a person on the premises. Deadly force may also be justified to prevent a [burglary](#) if the property owner reasonably believes the burglar intends to kill or seriously injure a person on the premises. However, a person may not, for example, rig a door handle so that any person who enters the dwelling is automatically shot by a gun. (*Katko v. Briney*, 183 N.W.2d 657 [Iowa 1971]).

Use of deadly force is never justified to protect [personal property](#) other than a dwelling. For example, a person would not be justified in shooting a person who is taking an automobile, no matter how expensive. Reasonable nondeadly force may be used to protect such personal property.

A person may use force to defend a third person from attack. If the defender is mistaken, however, and the third party does not need assistance, most jurisdictions hold that the defender may be held liable in civil court for injuries inflicted on the supposed attacker. In criminal cases a defendant would be relieved of [liability](#) if she proved she had made a reasonable mistake.

A defendant who successfully invokes self-defense may be found not guilty or not liable. If the defendant's self-defense was imperfect, the self-defense may only reduce the defendant's liability. Imperfect self-defense is self-defense that was arguably necessary but somehow unreasonable. For example, if a person had a [good faith](#) belief that deadly force was necessary to repel an attack, but that belief was unreasonable, the defendant would have a claim of imperfect self-defense. In some jurisdictions, the successful invocation of such a defense reduces a [murder](#) charge to [manslaughter](#). Most jurisdictions do not recognize imperfect self-defense.

Formerly in...

der.weebly.com

Wikipedia on Answers.com: Self-defense

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For the political party, see *Self-Defense of the Republic of Poland*.

Self-defense, **self-defence** (see [spelling differences](#)) or **private defence** is a [countermeasure](#) that involves defending oneself, one's [property](#) or the well-being of another from physical [harm](#).^[1] The use of the [right of self-defense](#) as a legal justification for the [use of force](#) in times of danger is available in many [jurisdictions](#), but the interpretation varies widely.^[2] To be acquitted of any kind of physical harm-related crime (such as [assault and battery](#) and [homicide](#)) using the self-defense justification, one must prove [legal provocation](#), meaning that one must prove that they were in a position where not using self-defense would most likely lead to death, serious injuries and property damage.

In politics, the concept of national or mutual self-defense to counter a [war of aggression](#) refers to a [defensive war](#) organized by the state and is one possible criterion in the [just war theory](#).

Physical

Components of Physical Self Defense

There are three components of physical self defense: techniques, training methods, and strategies. Techniques consist of movement, blocks, and counters. The basis of these are running before fighting, and if avoiding is impossible, block what hits you can, and then strike at vital areas of the body. Training methods are the drills self defense students practice to learn to implement techniques. And, strategy refers to the plan for how and when to use techniques. Without all three components, physical self defense is likely to fail.

Unarmed

Many styles of [martial arts](#) are practiced for self-defense or include self-defense techniques. Some styles train primarily for self-defense, while other martial/Combat sports can be effectively applied for self-defense.^{([citation needed](#))} To provide more practical self-defense, many modern day martial arts schools now use a combination of martial arts styles and techniques, and will often customize self-defense training to suit the participants' lifestyles, occupations, age groups and gender, and physical and mental capabilities.

The best Unarmed Defense Techniques(UDT)are often a handful of simple gross motor skills that are used to 'bash and dash' rather than highly complex fine motor skills that deteriorate under stress. Learning UDT is about increasing confidence and awareness not about 'beating' an attacker. Good UDT lessons will teach simple, high impact techniques to momentarily distract or off-balance an attacker so a victim can get away. Another technique, dangerous unless the practitioner is highly skilled, instead of punching rapidly and just hitting, you can always wait for another person to make a move, and then you use a basic counter that leaves them wide open. Close Quarters Combat (CQC) tactics, like [Krav Maga](#), teach preemptive strikes once it becomes apparent that the situation has passed the point of no return and physical confrontation is imminent. It is always better to strike first, delivering a series of devastating blows to the attacker in the shortest time possible and escape.

Armed

See also: [Castle Doctrine](#)

See also: [Non-lethal weapon](#)

In some countries, it is legal to use or carry weapons (for example [knives](#), [firearms](#) or [batons](#)) for purposes of self-defense. In other countries, this may be illegal or may require a license, or some items may be legal to carry without a license, while others, most commonly firearms, are not. Limitations on the use of weapons for personal defense are a source of controversy in some countries, pitting self-defense rights against efforts to combat violent crime via restricting access to common weapons.^{([citation needed](#))}

Everyday objects, such as [baseball bats](#) or [aerosol spray](#) cans, can also be used as [improvised weapons](#) for self-defense, but are not likely to be as effective as purpose built weapons. Some non-lethal weapons as the [Kubotan](#) have also been built to resemble everyday objects, such as [keychains](#).^[2]

[Pepper spray](#) and personal [stun guns](#) are non-lethal self defense alternatives, which are legal in some countries. Pepper sprays can have a range between 5–20 feet, and act by delivering a spray or foam containing highly irritating chemicals. Handheld stun guns operate by delivering an incapacitating electric shock, and must actually come in contact with the assailant to be effective, with the exception of [tasers](#) which use gas-propelled barbs connected to the taser by conductive wire to deliver the shock.

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Other forms

De-escalation

Verbal Self Defense aka 'Verbal Judo'^[4] is defined as using one's words to prevent, **de-escalate**, or end an attempted assault.^[5] It is a way of using words as weapons. This kind of 'conflict management' is the use of voice, tone, and body language to calm a potentially violent situation before violence actually ensues. This often involves techniques such as taking a **time-out**, and deflecting the conversation to individuals in the group who are less passionately involved.

- Author Katy Mattingly defines Verbal self-defense as simply saying no to someone or repeatedly refusing a request or telling someone who has violated a boundary what you want, or it could entail a more complicated scenario in which you are called on to refuse to engage verbally with someone manipulative, to set limits, and end the conversation.^[5]
- **Suzette Haden Elgin** the author of *The Gentle Art of Verbal Self-Defense* states that verbal self-defense defends against the eight most common types of verbal violence, and redirect and defuse potential verbal confrontations.^[6]

Avoidance

Being aware of and avoiding potentially dangerous situations is an emphasis of self defense. Attackers are typically larger, stronger, and are often armed or have an accomplice. These factors make fighting to defeat the attacker unlikely to succeed. In order to attack, an aggressor must have three elements in place: desire, distance, and decision. If any one of these elements can be removed, an attack can be avoided without resorting to physical self defense.^[7] When avoidance is impossible, one often has a better chance at fighting to escape, such methods maybe referred to as 'break away' techniques.^[8]

Personal alarms

Personal alarms are a way to practice passive self defense. A personal alarm is a small, hand-held device that emits strong, loud, high pitched sounds to deter attackers because the noise will draw the attention of passersby. Child alarms often function as locators or device alarms such as triggering an alert when a **swimming pool** is in use to help prevent dangerous situations in addition to being a deterrent against would-be aggressors.^[9]^[unreliable source?]

See also

- [Carrying concealed weapon](#)
- [Hand to hand combat](#)
- [Marial arts](#)
- [Spirit Combat](#)
- [Outline of self](#)
- [Reality-based self-defense](#)
- [Krav Maga](#)
- [Right of self-defense](#)
- [Bunyan v. State](#)
- [Turning the other cheek](#)
- [Verbal self defense](#)

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- ↑ [Child Safety Alarms at LoveToKnow Safety](#)

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Formerly in...



Guns create crime the same as flies create garbage

TNT

PS – This was originally written back in early 2011, some sites no longer exist, sorry to say.