

Self-Defense: When Can You Lawfully Use Force?

When somebody physically attacks you, or makes a credible threat of immediate attack, you have a right to respond with reasonable force, in order to defend yourself. However, you should know that the law strongly disfavors violence by anyone, against anyone. As a result, if you are accused of a violent crime, and argue that you acted in self-defense, your claim is likely to be very closely scrutinized, to determine if the amount of force you used was actually justified.

However, when this right is properly exercised, it provides an affirmative [defense](#) to civil and criminal liability for virtually any violent crime, up to and including homicide.

When Can I Use Force to Defend Myself?

In general, you can defend yourself with physical force whenever you are faced with an immediate and credible threat that someone is about to use unlawful force against you.

Note that the threat must be both immediate, and credible. If somebody calls you up on the phone and says “I’m going to kill you tomorrow,” you don’t have a right to track them down and kill them first. Because there’s no obvious immediate threat to your physical safety, you should call the police and let them handle it. The right to self-defense primarily exists to deal with situations where the threat is so immediate that the police can’t help you.

It’s essential to remember what the right of self-defense is for: it’s there so you can *prevent* a violent act from being committed against you. If you have subdued the threat (say, by incapacitating the aggressor, or causing him or her to flee), you no longer have a right to use force against that person. Some people get themselves in trouble when lawful self-defense turns into retaliation.

For example, suppose that Al ambushes and begins punching Bob, for the purpose of robbing him. Bob fights back, and manages to subdue Al, who gives up on his attack, and flees. At this point, Bob has validly exercised his right to self defense, and would now be expected to call the police to report the attack by Al.

But suppose Bob, in a rage, chases down Al, and continues to beat him? At this point, Bob is not acting in self-defense, and is, in fact, now an aggressor. In addition to committing the crime of battery (for which he would unlikely have any defense), he has now triggered Al’s right to physically defend himself. Remember, once the immediate threat has been subdued, the right to use force stops.

How Much Force Can I Use?

Generally, you are limited to using the minimum amount of force necessary to prevent the harm with which you are threatened. If you use too much force, a court might

conclude that you exceeded the scope of your right to self-defense, and find you liable for whatever injury you inflict.

Whether or not the amount of force used was appropriate is determined by several factors. First off, the actual harm that was threatened, and what the defendant sought to prevent, will be given the most weight. For example, if Al comes running at Bob with a knife, threatening to stab him to death, Bob would probably be justified in shooting Al with a gun, since he was threatened with lethal force.

However, if Al had no weapon, and was threatening Bob with his fists, Bob would probably not be justified in using lethal force, unless he had a good reason to believe that Al is particularly deadly in hand-to-hand combat.

Secondly, the relative physical strength of the parties involved will be considered. A person who is very physically weak and being attacked by someone who is much stronger, will probably be justified in using a deadly or dangerous weapon to defend himself than he would be if they were more evenly matched.

When Can Deadly Force Be Used?

As one might imagine, the law is extremely wary about the use of deadly force, in any circumstances.

As a result, in almost all cases, deadly force can only be used when you are actually threatened with death or serious, life-threatening injury.

For obvious reasons, the law treats deadly force as an absolute last resort. Therefore, many states only allow the use of deadly force in self-defense if it would be impossible for the victim to safely escape the situation. There is generally an exception to this rule if the attack occurs in the victim's own home. This is known as the "castle doctrine" – based on the idea that your home is your castle, and you should not be expected to flee from it.

Conclusion

As you can see, the law relating to self-defense, especially the use of deadly force, can get pretty complicated. If you have any questions about this subject, you shouldn't hesitate to speak with a [criminal lawyer](#). This is doubly true if you were just in a situation that required you to use physical force to defend yourself, and you believe that you might be charged with a crime. A good criminal defense attorney will give you the best chance of convincing a court that you acted in lawful self-defense.