

# Self Defense and You, Or: How to Punch Nazis and Not Go to Jail<sup>1</sup>

In Texas, you have the **right to use force** against another person when:

1. You **reasonably believe** the force is **immediately necessary**, and
2. You use the **minimum amount** of force needed, and
3. You **did not provoke** the attack, and
4. You were not **engaged in a crime** at the time.

Each of these aspects is important!

The absence of any one of them can wind up with you **behind bars**.

## **Reasonable Belief**

An objective person in your situation would have had to reasonably believe that you needed to use force to defend yourself.

It is NOT enough that you were verbally provoked, insulted, or threatened. To justify use of force, the verbal provocation/threats must be accompanied by some kind of physical act (charging at you, shaking a fist, brandishing a weapon, etc.)

## **Immediacy**

Your use of force must be in response to an immediate threat that cannot be neutralized without that force. If your opponent has walked away or deescalated, you cannot respond to their previous actions with force.

## **Minimum Amount of Force**

You must meet a threat with the least amount of force possible. You cannot shoot someone for punching you (or threatening to punch you). Deadly force can only be used in response to deadly force - or to stop the commission of murder, rape, kidnapping, or robbery.

## **Provocation**

You lose your right to self defense if you verbally provoke your opponent into attacking you so that you have an excuse to use force. Don't get cute.

## **Criminal Activity**

You do not have the right to self defense while you are actively committing a crime other than a Class C misdemeanor (like a traffic ticket).

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<sup>1</sup> In Texas

# Other Topics of Interest:

## **Defense of Other People**

These principles apply equally to the defense of other people, if your intervention was immediately necessary to defend the other person.

## **Defense of Property**

Technically legal, but an all-around bad idea. Property is not worth a life.

## **Practicalities of Using Force in Self Defense**

Self defense is a justification for actions that would otherwise be illegal. It is an affirmative defense that you raise after being arrested and charged with a crime (assault, manslaughter, murder, etc.) and you have the burden of proof to establish all of these factors.

What does this mean? If you shoot someone in self-defense, you will likely be arrested. If you are arrested, immediately shut the fuck up and demand a lawyer.

## **The Continuum of Force**

This is a concept borrowed from police – it is a methodology to select the appropriate amount of force to respond to a situation. As the situation escalates, so too does the appropriate level of force in response.

When applied to civilian needs, this gives you a rubric to apply when determining whether to use force and what level of force to use.

**Presence → Verbalization → Bodily Force → Less-Lethal Force → Deadly Force**

As always, remember that your use of force is only justified if it is reasonably necessary to defend yourself, others, or property and it must be the least amount of force needed to accomplish the defense.

## **Not Legal Advice**

This handout contains generalized information about the laws governing the use of force in Texas. It is not legal advice. If you have questions about how these laws apply to you, we urge you to contact a qualified attorney.