

The Morality of Self-Defense

One of the many concerns about survival, especially in the wake of a major disaster, is protecting ourselves from others. Desperate people, it is said, do desperate things; and in the wake of a disaster, when there will be shortages of everything we need.

Those shortages, it is widely believed, will cause the average person on the streets and in our neighborhoods to become desperate. As a result of that desperation, they are likely to attack anyone who they think has the supplies that they need. Worse than that, there's a good chance of them ganging together to make those attacks.

So, what should our response to this be?

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Most preppers understand the need to be prepared to defend themselves. We buy guns and ammo, go to the shooting range and make some sort of defensive plans for our homes and survival shelters. The better trained of us go a step further, preparing passive defenses for our homes, to make it harder for attackers to get in. If we have neighbors who are preppers too or who we trust enough to bring in on our prepping plans, we might even create a neighborhood defense plan.

All this is necessary and good. Those are things we should do. Even so, that doesn't mean that we're ready. Unless we have

true military training and are well-versed in defensive tactics, there are probably holes in our defensive plan. But the biggest hole isn't usually in our training, it's in our decision process.

Let's Look at the Problem

Here's the problem that I keep seeing, over and over again. Many preppers look ahead to a post-disaster time, making the assumption that there will be a complete breakdown of society, including a breakdown of law and order. In such time, the common assumption will be that we preppers can do just about anything necessary to defend home and family. But can we? Personally, I don't think so.

It is a point of American law that we can use deadly force in self-defense. While each state's laws and each state's courts handle that point of law a little differently, the basic idea is that if someone attacks you, putting you at risk of life and limb, you can kill them, if you deem it necessary, in defense of your own life.

There's just one big hole in that legal principle. That is, the courts have to agree, after the fact, that it was truly an act of self-defense. In many cases, district attorneys will decide that the evidence is clear and it is self-defense; but in others, it goes to court. Should the courts decide that the criteria for self-defense are not met, then you or I could be declared guilty of manslaughter.

"Okay," you might be thinking, "that doesn't really matter in a post-disaster world, as the district attorneys and the courts won't be functioning."

Are you sure of that? Can any of us truly be sure of that?

I think that too many of us are getting our ideas about a post-disaster world from Hollywood. In those movies whatever

disaster has befallen is so serious that most people die and those who are left are living in isolated enclaves, with no-man's-land in between them. There is no law they have to report to, so they do what they have to do and let the chips fall where they may. But then, Hollywood is good at ignoring things like the norms of society and the law when those go against their plot line. I mean, how many real people get away with all that killing that some actors do, in the course of one movie?

I'm not saying there is no possibility of things breaking down to the point where there is no semblance of law and order; but short of an EMP destroying the electrical grid, I really don't see that happening. With that being the case, we need to adjust our plans, ensuring that we don't break the law in defending ourselves and our families.

How the Law is Interpreted

Before we can look at a post-disaster situation, we need a better idea of how the law is applied, when it comes to killing in self-defense. There are two key principles we need to look at, which are used to determine whether killing was necessary. Keep in mind, the courts can deliberate as long as they like, second-guessing decisions that often have to be made in a second or two.

The first phrase we need to concern ourselves with is "Imminent threat of life and limb." The first part of this phrase is the word "imminent," which means something is ready to happen quickly. Following that, we see what is imminent, a threat to "life and limb." This legal term refers to death or serious injury. If the most serious injury you are likely to receive from an assailant, is a bloody lip or a black eye, it's not considered life and limb. On the other hand, if they are swinging a 2" diameter pipe around, trying to hit you with the apparent intention of breaking bones, that would likely

qualify as the limb part of life and limb. We can even say that it qualifies as the life part, as being hit in the side of the head with that pipe could be deadly.

So, the courts are going to look at whether you were at risk of serious injury or death, in their determination of your guilt or innocence. Not only that, but they're going to look at whether the evidence shows you were at imminent risk, right then. If the evidence doesn't appear that you were at imminent risk of life and limb, they won't call it self-defense.

Now let's look at the other important principle; it's called the "reasonable man premise." The idea is that the courts will look to see if your actions were the actions that a reasonable man would take, if he were in your situation. Not if your actions were reasonable; but whether an imaginary reasonable man would have reacted the way you did, if they were in the same circumstances.

It is necessary to pass both of these legal tests, for the courts to decide that your actions were in self-defense and acquit you of any murder charge.

Now Let's Look at a Post-Disaster Scenario

As I mentioned earlier, there are few disasters which will be so severe that they will put an end to law and order. Oh, we might have a temporary breakdown in law and order, but it won't last. Most people will want the protection of the law and our politicians will try to deliver. They want to remain in power and they can only do that if they can keep control of the people. In other words, establish law and order.

Yes, there might be a brief time, in the wake of a truly major disaster, when there is at least a partial breakdown of law and order. The police might not be disbanded; but the

situation might be so grave that they are unable to keep up with the lawlessness that is occurring. During such a time, there is a high probability that you and I might find ourselves in a situation where we have to take up arms in defense of home and family. We might even have to kill or be killed.

But does that mean we're going to get off without a brush with the law?

Even if there is no law in place at the time we have to defend ourselves, there's always the possibility that there will be once again. It might take a few weeks or months; but you can be sure that survivors will be crying out for order and especially the protection that order brings; especially those who can't effectively defend themselves.

You will likely have a place in that, albeit not one of your choosing. Part of the clamor for law and order will be to bring forth examples of the killing that has happened. So, you reward for successfully defending your home and family will be to be trotted out before the public as a menace to society; a murderer. People will be calling for blood... your blood.

What this means is that at some point, you will likely have to appear in court, to stand trial for your actions.

How to Defend Yourself Legally

Considering the legal ramifications of having to defend ourselves in a post-disaster scenario, the only practical way for us to defend ourselves, is in the same manner we would do so today, with the idea that we will likely end up having to go to court and defend ourselves. It doesn't matter that we're talking about a post-disaster situation; we're law-abiding citizens and we need to act like it, setting the example for others.

3 SIMPLE THINGS YOU CAN DO TONIGHT TO AVOID A BREAK-IN



One of the basic principles that supposedly existed in the Old West, was that you never drew first or shot first (unless the other guy drew first, but you drew quicker so shot first). That's a pretty good principle for us to use as a guideline. We never want to be the one to start the fight, just the one who ends it. That way, we can honestly say it is self-defense.

I will admit that this can make things a bit touchy. If we have to wait for the other guy to open the ball, there's a risk that they will shoot fast and shoot straight, getting us, before we can get them. I have to say, I don't like that; but I don't see any other alternative. Unless we are absolutely sure that they are starting the fight, according to the legal principles I've outlined above, we can't be sure that we are acting in self-defense. Killing people in self-defense is one thing; killing them because we think they might pose a threat to us is another thing entirely.