
5 PRINCIPLES OF THE LAW OF Self Defense



Self Defense Principles - Introduction

Exercising ones' right to self defense may sometimes lead to serious injury or unavoidable death. This comes with consequences in the eyes of the law. It is therefore important to know the five principles of the law of self-defense.

This will ensure any survivor of Sexual or Gender Based Violence who uses any form of force in self defense is not guilty of a criminal offense.



There are 5 main Principles of Self Defense:

- Innocence
- Imminence
- Proportionality
- Avoidance
- Reasonableness.

All these principles must be present in any action of self defense; especially when it is physical. We will discuss them one by one:



Principle 1 - Innocence

Innocence

- The principle of **Innocence** expects that any one who claims self defense should not have initiated the conflict. In some circumstances however, the initiator of a crisis may have the right to re-claim their innocence.

Nneka was fuming. Her ex-boyfriend Ifeanyi was at her place unannounced. He has refused to let her be since their break up because he felt he owns her; he just wouldn't stop showing up at her apartment unannounced. Ifeanyi had paid her fees through University and has always been there for her and her family.

He was sitting on his favorite couch in her living room when she quietly sneaked from behind and attempted to hit the dumbbell on his head. As a reflex, Ifeanyi raised his hand in defense and hit her hard on the chin.



Principle 2 - Imminence

The principle of Imminence expects that self defense with physical force is used in situations where the threat is about to happen **RIGHT NOW**. This means a survivor cannot claim self defense to prevent a later danger or threat. In such situations, reporting to the police would be more appropriate. It also means that physical force cannot be used in response to a danger or threat that has happened or passed— This will be interpreted as retaliation, not self defense.



Busola watched as her uncle bled profusely from the nose. He had been making subtle advances at her; like touching her breasts or slapping her buttocks. The guy had threatened her this morning with a lewd comment like “I’m going to take what is mine today”. She knew he was referring to her body, and she decided she’d do anything to protect herself. The perfect opportunity came while he was on a ladder trying to fix a bulb. She just gave the ladder a push and now, she knew she was safe for at least another day.



Principle 3 - Proportionality

This principle expects that the degree of physical force used by a survivor in self-defense should be proportional to the degree of physical force with which the survivor is threatened.

- A threat with the potential of death or severe body injury (e.g. a rape) may warrant a deadly force.



Rekiya was still trying to recover from the shock of the whole event. Everything happened so.... Fast. The guy grabbed her butts (while her madam grinned) and all she had to defend herself was the bottle she was about to serve him.

She didn't have enough time to think through; she was sick and tired of customers treating her like one of the items for sale at the bar.



Principle 4 - Avoidance

This principle expects that a target of violence will not use physical force in self-defense if they have the option of retreating to safety.

This would mean that the individual used physical force because he/ she did not have the chance to escape or run to safety.

If faced with an option, targets of violence should rather choose to retreat to safety instead of causing bodily harm or death.

Christabel smiled at her boyfriend Sam. He was coming at her strongly but she kept calm. He tried to cover her with his body but she gently gave him a shove and warned that she wasn't interested. He forcefully pulled her into a kiss and only moved back to pull off his shirt. The room door was open, but instead of running away, Christabel decided it was time to practice some of the techniques she had learnt at the martial arts class. Sam was sprawled on the floor in no time.



Principle 5 - Reasonableness

This principle requires that the person claiming self-defense assessed the situation in the manner a “reasonable person” would have. In other words, your perceptions and actions in self-defense were must be similar to that of a reasonable person in similar circumstance. If not, self-defense cannot be claimed. As an example, a person cannot kick an individual because she thought the man carrying a cup of soda wanted to kill her.



Itohan was shivering as her husband was rushed out of their apartment with a bleeding eye. She had thrown her heels at him in the heat of a confrontation. He she had caught her red handed cheating on him, and she had assumed that the spectacle case he was waving carelessly at her was a gun. “ It was self defense” she kept muttering to the neighbors that kept saying “we need to call the police”



Conclusion

Self-defense laws are not always straight forward and may vary from country to country. It is advisable to always try to find a non-violent way out of a dangerous situation if possible.

A person's sense of judgment may be distorted when in danger; thus, all self defense actions that may cause serious bodily injury or death must be carefully weighed. All the above principles must exist and be established to justify self defense especially when it leads to bodily injury or death.

