

5 Elements of a Self-Defense Claim

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He writes that there are 5 elements of a self-defense claim that are uniform across the 50 US states. All of these must be met in order to defend a claim of self-defense.

Innocence of the Defender

Imminence of the Threat

Proportionality of the Response

Reasonability of the Response

Avoidance of a Physical Conflict*

*Avoidance requirements may differ from state to state. Tennessee has a "no duty to retreat" provision. Some states require that to make a claim of self-defense a safe pathway for avoidance was unavailable.

Tennessee does not.



“Be as shrewd as serpents and innocent as doves.” –

Matthew 10:16

The Paradox of Self-Defense

The thought of someone holding a gun to us - threatening to kill us if we don't give them what they want - is paralyzingly frightening. A group of people surrounding us, yelling angrily at us, demanding we do what they say...words cannot begin to express the fear we would feel. We rationalize that maybe if we do this...hopefully...they will get what they want, leave us alone and we can go home to our families.

Compliance is no guarantee that we will be left alone, or unharmed. The threat of violence used to force compliance is an instrumental use of force. However, it may not be the only kind of violence used against us.

Expressive violence is used to communicate a message or vent emotion. We complied but we still got shot, beaten up, raped or even killed.

What do we do in such situations? Someone who uses unlawful force against us doesn't think like we do. They don't know how to live and prosper in society peacefully. But if we use violence to defend ourselves, doesn't that make us just like them?

Yes and No

Yes, in the sense that the attacker committed a violent act, and we committed a violent act to counter their violent act. Both acts were acts of violence. Physical assault on another person is a violation of the law, but the nuance between the appropriate use of force vs an unlawful use of force is hidden in the reasoned root of the behavior.

The law doesn't explicitly say that physical assault is ok in situations of self-defense. It's still a crime to assault someone. However, the use of physical violence on another as a defensive force is a legal defense and justification with respect to the laws against assault.

That may seem like a negligible difference, but our understanding of that helps us to shape our framework on self-defense. It's not a wild west free for all. There are laws with respect to self-defense we must recognize.

That word violence may seem abhorrent, but an honest understanding of it is essential for self-defense. The selective application of violence for defense is a last resort. Physical conflict over the unimportant (tangible or intangible) that is replaceable, is a mis-prioritization. Be defensively wise.