

# Good stand your ground laws: self- defense or aggression research paper example

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In some situations, it is crystal clear that force used against a malicious criminal is in self-defense and necessary to prevent serious injury or death, but in other cases, there is significant gray area in the space where self-defense and excessive, or aggressive, force meet. In this murky space where self-defense and aggression meet are “ Stand Your Ground” laws. As the recent George Zimmerman-Trayvon Martin incident and subsequent trial has proven, Stand Your Ground” laws can ignite passionate debate about gun control, the right to defend property and self, race and other factors.

Most self-defense laws in the United States are based upon the principle that an individual has a duty to retreat before they use lethal force against an attacker. One widely-accepted exception to the duty to retreat is the “ Castle Doctrine,” which asserts that a person has no duty to retreat and self-defense using deadly force is acceptable if an attack takes place inside their home. “ Stand Your Ground” laws, sometimes also included under the umbrella of “ Castle Doctrine” laws, expand on existing self-defense laws to make it legal for an individual to use deadly force against another individual anywhere that the first individual has a legal right to be, as long as they believe that deadly force is necessary to prevent bodily injury or death without first using any reasonable means to retreat.

**In Florida, the pertinent section of the “ Stand Your Ground” law signed into effect in 2005 states the following:**

A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to

prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony (Weaver 395).

“ Stand Your Ground” laws, thus, have significant impacts. These laws decrease the possible consequences, or expected cost, of using lethal force and lower the likelihood that an individual will be found liable for any injury or death inflicted as well as the anticipated legal that an individual will have to incur during civil and criminal prosecution. Furthermore, “ Stand Your Ground” laws increase the expected costs a would-be criminal would associate with violent crime, as it empowers possible victims, potentially deterring violent crime (Cheng). In some states with “ Stand Your Ground” laws, there is a presumption of innocence for anyone who uses deadly force in defense against a perceived threat in their home, vehicle or place of business (Cross 161).

On paper, “ Stand Your Ground” laws may have some merit. Proponents of this type of legislation are quick to point out possible advantages of having “ Stand Your Ground” laws on the books. First, “ Stand Your Ground” laws provide law-abiding citizens with important protections against criminal and civil liability. Secondly, the decision to use deadly force must be made very quickly and under conditions that are very stressful and an individual should be awarded legal leeway under these conditions. “ Stand Your Ground” laws may help to prevent injury or death that could otherwise occur when an individual is trying to retreat from an attacker (Gaines 140). Finally, “ Stand Your Ground” laws often also include places of business in addition to homes and vehicles, alleviating some concerns of business owners or workers and potentially lowering the expense of business liability insurance (Cross 161).

There is significant opposition to “ Stand Your Ground” laws. There is fear that these laws provide protection for mostly criminals, rather than law-abiding citizens, and makes individuals more inclined to use deadly force when confronted, even when it is not necessarily warranted because they believe they have immunity. Under “ Stand Your Ground” laws, a person does not need to prove a threat, but only that an intruder entered a dwelling or car (Gaines 140). Finally, existing self-defense laws make “ Stand Your Ground” expansion unnecessary and “ very few people have been successfully prosecuted or sued when they used deadly self-defense in a reasonable manner (Gaines 140).” Even if the side of the debate calling for “ Stand Your Ground” laws does continue to prevail in areas where this type of law is in place, there is little room for disagreement that amendments and further clarification of the law’s fine points are necessary to address some of the problems with the law. For example, the statute in Florida does not mention if deadly force is permitted if an attacker is unarmed (Weaver 400). The National Rifle Association, or NRA, has been highly supportive of and actively promoting “ Stand Your Ground” laws and they and other proponents of this type of legislation are responsible for scaring citizens into thinking they should have the right to use guns outside of their home or business whenever they think it is necessary. In Florida, as well as other states, both law enforcement groups and prosecutors have spoken out in opposition to “ Stand Your Ground” laws (Weaver 401).

Research conducted by Cheng Cheng and Mark Hoekstra composes a powerful, substantiated argument against “ Stand Your Ground” laws. Cheng and Hoekstra examined the effects of these laws over a ten year period in

states that have enacted the laws and compared changes in crime in these states with the changes in states that have not enacted these controversial laws. The data they collected and analyzed showed that there was not a difference in changes in crime in the two groups of states in the years before laws were adopted. The results did show that the adoption of new “ Stand Your Ground” laws did not deter crime and that states with the laws even saw a significant eight percent increase in homicides.

After taking the results of this research, the opinions of law enforcement organizations and prosecutors responsible for dealing with the impacts of “ Stand Your Ground” laws and basic common sense into consideration, it is difficult for me to find any good reason for this type of law to exist. “ Stand Your Ground” laws do more harm than good. These laws help to foster an environment of fear and violence that can have serious negative impacts on communities. Instead of making law-abiding citizens all feel safer or more capable of protecting themselves, this type of law empowers self-appointed vigilantes at the expense of other law-abiding citizens. Unfortunately, racial prejudices, fear of the unfamiliar and even simple misunderstandings can quickly escalate and result in unwarranted serious injury or even death. Self-defense laws and the “ Castle Doctrine” without “ Stand Your Ground” expansions have proven sufficient and reasonable and these new laws promote unnecessary force because consequences for these actions have been minimized. All too often, fear is shown to be entirely subjective and circumstantial. An adrenaline rush combined with no fear of significant consequences like extreme legal costs or an extended jail sentence can make self-appointed vigilantes and others far too willing to pull a trigger

rather than back away slowly or wait for capable, trained reinforcements to arrive.

## **Works Cited**

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