

Preemptive self-defense

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Trayvon Martin, whose killer claims self-defense

On March 25, many Christians wore hooded sweatshirts to church in solidarity with Trayvon Martin, the 17-year-old who was shot dead on February 26 in Sanford, Florida. The shooter, George Zimmerman, found Martin's hoodie and black skin suspicious. Zimmerman has not been arrested.

While some facts remain in dispute, this much is clear: Zimmerman's aggressive citizen policing often targeted young black men. Ignoring advice from a 911 dispatcher, he followed Martin. This led to a physical confrontation, which ended in Martin's death. Zimmerman claimed self-defense, and the police let him go.

For Zimmerman, a black teenager in a hoodie signified a thug and a threat. This is troubling, as is the Sanford police's failure to perform certain routine procedures at the scene. Then there's the city's uninspiring explanation for declining to arrest Zimmerman: because of his self-defense claim, an arrest might result not in a conviction but in a lawsuit.

But perhaps most disturbing is the fact that on this last point the police are probably right. In 2005, Florida was the first state to adopt a stand-your-ground law, which permits deadly force when one "reasonably believes," rightly or wrongly, that it's needed for self-defense—not just in one's home but in public, and whether or not there's an opportunity to retreat. This law didn't come about as a result of popular clamor. It's based on model legislation drafted by the American Legislative Exchange

Council, which is funded in part by the National Rifle Association.

Florida's law is particularly aggressive: it puts the burden of proof not on the person claiming self-defense but on the prosecutor who disputes that claim. Since the law went into effect, the state has seen a dramatic rise in self-defense homicides. Supporters cite this as evidence that more citizens are successfully defending themselves. But how is killing someone a better outcome than simply running away?

Zimmerman didn't run away; he gave chase. Whatever the sequence of events in his physical confrontation with Martin, it was a confrontation that Zimmerman initiated. One Florida state senator hopes to narrow the stand-your-ground law to exclude incidents that occur "as a result of self-provocation." That would be a good start.

Better still would be to repeal such laws altogether. They reflect our culture's ingrained belief that violence is not a last resort but a way to proactively promote security. We are in danger of becoming inured to preemptive war, to preemptive torture, to the execution of criminals in order to preempt further crime. With laws like Florida's, which encourage vigilante responses to threats, real or imagined, we can add preemptive self-defense to the list.

Dismantling this culture of violence requires going beyond politics to confront the deep bigotry at the heart of our fear of others. But it also requires dismantling specific laws that codify and normalize this fear.