



Legalized Killing: The Darker Side of the Castle Laws

John R. Wright Ph.D.

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Legalized Killing examines the self-defense laws of America, especially the so-called castle laws of states like Texas and Oklahoma, where citizens can use deadly force even if they merely think they are threatened, which in hindsight might not be true. These laws supposedly protect citizens from prosecution if they injure or kill an intruder in self-defense, and they also disallow civil lawsuits against the one defending. But there is an inherent weakness in these laws, which can be found in the answer to a simple question: was it genuine self-defense, where the choice was shoot or die, or was the incident suspicious, clearly not necessary or related to a dispute between the individuals involved? Applying this question to real life incidents finds that many so-called self-defense shootings were not true life or death necessities, yet the one doing the shooting was nevertheless protected by the castle law. That kind of outcome shows a serious weakness. In some states deadly force can be used almost anywhere, e.g., on the road, at a park, at the workplace, etc -- any place a person has a right to be. These laws no doubt protect some who are forced to defend their lives, but they also pose a hazard to other individuals; they almost invite murders and a trigger-happy mentality from certain elements of society. Meter readers and children who wander into a neighbor's yard are thus put at risk. Legalized Killing takes note of the variability of justice, as evidenced by examples where the laws apparently worked correctly and others where they failed miserably. Legislators, members of the legal and law enforcement communities and private citizens alike share in the substantial ignorance of what can or cannot be done in a self-defense situation, or better stated, what should or should not be done. Misconceptions of what is allowed thus create the dangers. Very few citizens actually know what the statutes contain, and that has led to unwarranted shootings. For example the use of deadly force to defend property is not allowed. A couple in Texas killed a seven year old boy who was going to the bushes to urinate, thinking that the Texas law allowed it! Awareness of such dangers, a hopeful outcome of this book, can actually save lives by steering individuals away from the castle law situation, because there are ways to get into it in total innocence (and very quickly). Similarly, if those who think the castle laws give them a license to kill are caused to realize that a court's decision of justifiable homicide is not a sure outcome, perhaps better judgment will be used. There are many books devoted to the subject of using weapons in self-defense, but Legalized Killing focuses on the problems posed by the castle laws. Only two chapters of Legalized Killing examine the reasons why people own guns along with the nature of the criminal intruder and the actual use of a gun. The book would not be complete without a consideration of those issues. The other eight chapters examine the book's main focus: failures of the castle laws and their conflicts with other laws, the factors that cause the self-defense situation, a comparison of self-defense laws state-by-state and a forum of quotations that reveals the level of ignorance that exists in 2011. The book's emphasis is upon avoidance of trouble and using good judgment. It is well worth knowing about these laws because they have the potential to affect everyone, young or old, rich or poor, innocent or criminal-minded, often with fatal consequences.

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