

A woman can legitimately carry any item to be used solely for the purpose of self-defence. However, the right is not unlimited; there are circumstances which must be avoided. Overarming has been interpreted by the courts as an offensive rather than a defensive action. Secondly, guns must be registered and certain types of firearms are always illegal. The same warning applies to switchblade knives and silencers. Thirdly, while possession of a kitchen utensil, such as a corkscrew, for the purpose of self-defence may not be unlawful, carrying this item as a concealed weapon may be an offence.

When the self-defence systems described are measured against the legal principles one realizes that women are only partly educated about self-defence. While no one can predict with one hundred percent accuracy the result of any trial, guidelines assist in making an educated guess as to the outcome of judicial proceedings. Unless women are aware of the restrictions imposed by law on the right of self-defence, they are unable to use the techniques learned to their best advantage. It remains the decision of the victim to choose whether or not to fight back. Part of that decision should be the likelihood of incurring a legal sanction as a result of defensive action.

The question remains as to what can be done to prevent rape and all other acts of violence and aggression against women. Women have to change their attitudes towards themselves and other women. Furthermore, action is required. Training in self-defence gives one the knowledge necessary to take a stand against an assailant. It may even work to prevent or reduce confrontations if men become aware that attacking a woman may prove a risk to themselves.

Based on the research done for this paper, we recommend that all self-defence classes, teaching both verbal and physical means of self-defence, make the following suggestions to their students regarding the legal framework in which they may act:

1. Strike back at an assailant only to the point where he is no longer a threat to your safety. This may mean either until you have a chance to escape or the assailant leaves the scene;

2. Use a gun only to repel an attacker with firearms;
3. Resort to the use of any weapon other than a gun only when the use of body weapons (meaning a punch or a kick or even biting) would be ineffective, for example, if the attacker is very much heavier and stronger than you, or when there are several attackers;
4. Whenever possible, threaten to use a weapon before inflicting injury;
5. If you do not feel confident that your physical strength and abilities alone would stop an attacker resort to weaponry items which can be carried for purposes other than self-defence. Keys, combs or knitting needles are common items to utilize;
6. At those times when you feel yourself to be most vulnerable, carry the "weapon" in your hand. Thus you are not removing the possibility of being charged with "carrying a concealed weapon," but are prepared to repel an attack effectively and immediately;
7. Do not allow statements made by friends or politicians or publicized in the media, which foster myths about rape, to pass without comment;
8. Insist that all girls be exposed to and be involved in team and contact sports at school;
9. Lobby the Board of Education trustees to introduce a self-defence course for girls into the school's health curriculum or into any other appropriate courses.

We advocate, with caution, the use of force to counter force. Given any number of factors, counter-force may cause an escalation of violence with an increase in injuries and even lead to death. Only the potential victim can assess the situation. However, one must know how to fight back (physically and psychologically) if force can even be considered a possible course of action. And when you do fight, be forewarned: the law is only on your side if you keep within its framework, and this framework is often loosely defined, ambiguous and contradictory.

Shira Bernholtz, a graduate of Osgoode Hall Law School, was called to the Ontario Bar in 1982. She operates two businesses: Citations, the Toronto-based Canada Legal Research Service, and Handybooks, an office management firm.

Jill Pomerantz-Redinger, who holds an M.A. in Criminology from the University of Toronto, is currently employed by the Teachers' Superannuation Commission.

THE COOKIE

While a lady in blue
was in the process of preaching
on the lack of meaning in life
(as welcomed to an office party
as burnt fortune cookies)
a lady in red announced
she would acquire her next
promotion
through feats of non-verbal
intercourse.

Mary Melfi
Montreal, Quebec

THE BOTTOM LINE

Your smile, unlike the rim of our
wine bottle,
(round and non-judgemental)
was horizontal, a straight line,
definite about its intentions.

But if I hadn't taken your
lines seriously
(opting to believe your godly (?)
penis
was Bacchus' virile/vertical smile
itself)

you would have probably frowned
and I would have been anything
but pleased
with that slice of lemon in your (my)
mouth.

Mary Melfi
Montreal, Quebec