

# Legittima Difesa

Ingrid Schmitz

**Versuch über die Gewalt im faschistischen Strafrecht** Domenico Siciliano,

**Su la legittima difesa** Giulio Fioretti,1886

**Legittima difesa** Piero Bargellini,1946

Das Recht der Nothwehr Carl Levita,1856

**Notwehr gegen Unterlassen** André Stahl,2015 Is there a right to self-defence of a person in danger versus omission?

Even though self-defence is a central reason for justification in criminal law, until now explanations are almost solely about the right to self-defence against active actions. In contrast, this dissertation deals in a systematic way with all questions about the lawfulness of self-defence versus omission. Firstly, the author analyses under which circumstances omission is a present and unlawful attack. Here it is pointed out that justifying a criminal act by the right of self-defence is only possible in the case that the desisting person is responsible for effecting imminent danger to the object protected by the right of self-defence. Afterwards, the question is discussed, how a necessary and demanded defence versus an omission attack can look like. In doing so a critical examination concerning the problem of justifying self-defence torture is presented.

*Freiheitsdistribution und Verantwortungsbegriff* Javier Wilenmann,2014-05-22 Mit der fast einheitlichen Anerkennung des Defensivnotstands erkennt die deutsche Strafrechtsdogmatik nicht nur zwei (Notwehr und Aggressivnotstand), sondern drei verschiedene Rechtfertigungen an, die aus Notlagen entstehen. Obwohl durch die unabhängige und allgemeine Anerkennung des Defensivnotstands die deutsche Strafrechtsdogmatik eine Präzision erreicht hat, die andere Rechtsgebiete im Bereich der strafrechtlichen Rechtfertigungen nicht kennen, ist die Bearbeitung des Defensivnotstands bis heute unsystematisch und fragmentarisch durchgeführt worden. Javier Wilenmann befasst sich mit der Grundlegung, systematischen Bearbeitung und dogmatischen Rekonstruktion dieses Institutes. Demnach ist der Defensivnotstand eine Folge der Anerkennung eines Begriffs der Verantwortung, welcher nur distributiv begründet wird. Diese These lässt sowohl die Grundlagen als auch die systematische Position des Defensivnotstands erkennen, wobei auch dessen dogmatische Voraussetzungen präzise konstruiert werden können.

**Das präventive Selbstverteidigungsrecht im Lichte allgemeiner Rechtsgrundsätze** Eduardo José Pintore,2011 Die militärischen Operationen in Afghanistan im Jahr 2001 und im Irak zwei Jahre später, ferner die aktuelle Lage im Iran, haben

die Debatte über die Existenz eines Rechts auf präventive Selbstverteidigung im Völkerrecht neu belebt. Das Selbstverteidigungsrecht ist der einzige Rechtsfertigungsgrund, der den einzelnen Staaten zusteht, um ohne Erlaubnis des UN-Sicherheitsrates militärische Gewalt gegen andere Staaten auszuüben. Darf dieses Recht ausgeübt werden, bevor ein Angriff stattfindet? Dieser Frage geht die Arbeit nach und versucht, in den allgemeinen Rechtsgrundsätzen eine Antwort zu finden. Aus diesem Grund werden rechtsvergleichend die Ausgestaltung und die Voraussetzungen des Rechtsinstituts der Notwehr in unterschiedlichen Rechtssystemen der Welt untersucht. Abschließend werden die daraus folgenden Konsequenzen für die völkerrechtliche Selbstverteidigung dargelegt.

Die Lehre von der Nothwehr August Geyer, 1857

**Kurz und kriminell** Ingrid Schmitz, 2015-03-11 In Kurz und kriminell treffen Sie nicht nur alte Bekannte, wie die 72-jährige Auftragsmörderin Betty bei einem Cappuccino; Britta, die Plastikschüsselverkäuferin mit den hohen Verkaufszahlen oder die Friseurin Danielle, die auch des Nachts Hausbesuche macht - sondern auch neue Hauptdarsteller in mörderisch besinnlichen Geschichten. Zum Beispiel werden für die 83-jährigen Bonnie und Klaus die Ehe und das Alter zur Hölle und Marlene entdeckt die Bücher von Erich Maria Remarque und dass sie ihr Leben dringend ändern muss. Außerdem erfahren Sie, warum das Basteln von Adventskalendern tödlich enden kann. Die Kriminalautorin Ingrid Schmitz sendet mit dieser Auswahl - von ihren über fünfzig veröffentlichten Krimikurzgeschichten in diversen Anthologien - mörderisch liebe Grüße an ihre Leserinnen und Leser. Aber auch bisher unveröffentlichte Texte sind zu finden.

**Die Subsidiarität der Notwehr** René Sengbusch, 2008

**Der notarielle Immobilienkaufvertrag in Italien und Deutschland** Eva Wiesmann, 2019-01-11 Die Wurzeln der notariellen Urkunde reichen bis ins Mittelalter zurück. Unter dem Einfluss der ars notariae und der Formularbücher verfestigt sich die Textsorte in Italien konventionell. Im Heiligen Römischen Reich wird sie unter Kaiser Maximilian I. normativ verankert. Die moderne Notariatsgesetzgebung bringt im 19. Jh. Innovationen, setzt jedoch die Konventionen nicht außer Kraft. Dieses Spannungsfeld von Norm und Konvention, Formularbuch- und Kanzleitradiation lotet Eva Wiesmann im italienisch-deutschen Vergleich am Beispiel von Immobilienkaufverträgen aus der Zeit von 1860 bis 1960 aus. Sie belegt die historische Determiniertheit der Textsorte sowie die Einflussfaktoren des notariellen Sprachgebrauchs und leistet so einen Beitrag zur diachronischen Kontrastiven Textologie und zur Textsortengeschichte.

**Schemi delle lezioni di diritto internazionale** Carlo Focarelli, 2003

**Einführung in das italienische Strafrecht und Strafprozessrecht** Manfred Maiwald, 2009 Dargestellt wird der Allgemeine Teil des italienischen Strafrechts und das italienische Strafprozessrecht. Damit soll für die wissenschaftliche Arbeit in rechtsvergleichender Hinsicht Orientierung gegeben werden. Gleichzeitig soll für den Praktiker vor allem in grenzüberschreitenden Problemstellungen die Möglichkeit bereitgestellt werden, sich über die Rechtslage in Italien im

Bereich des Strafrechts und Strafprozeßrechts zu informieren. Dabei wird nicht nur auf das im codice Rocco und in der Strafprozeßordnung 1988/89 kodifizierte Recht eingegangen, sondern es werden auch die geschichtlichen Grundlagen und die Grundprinzipien dargestellt, auf denen das geltende Recht beruht. Auf diese Weise werden die Normen des geltenden Rechts in mancher Hinsicht verständlicher gemacht. Herangezogen wird in der Darstellung zur Erläuterung sowohl die italienische Rechtsprechung als auch die Lehre.

Die Grundzüge des schweizerischen Strafrechts, 1892

*Selbstverteidigung gegen nichtstaatliche Akteure* Shpetim Bajrami, 2022-10-25 Staaten greifen zunehmend auf militärische Gewalt gegen nichtstaatliche Akteure zurück. Ob und wie nichtstaatliche Akteure in das Selbstverteidigungsrechtsregime einbezogen werden können, ist eine zentrale Frage des modernen Friedenssicherungsrechts. Shpetim Bajrami untersucht den volkerrechtsdogmatischen Rahmen, beleuchtet die methodischen Anforderungen an einen Rechtswandel und wertet anhand der entwickelten Massstäbe die Staatenpraxis - insbesondere mit Blick auf die unwilling or unable-Doktrin - aus.

In dubio pro Straffreiheit? Ingo Bott, 2016-08-03 Strafrecht in Extremlagen Ist Leben messbar? Im sog. Lebensnotstand, wenn getötet wird, um Menschen zu retten, bei Themen wie Sterbehilfe, Rettungsfolter oder terroristischer Gewalt, steht der Mensch der Moderne vor kaum lösbarer Konflikten, gerät das Recht an ungeahnte Schranken. Anders als die Debatte in Gesellschaft, Politik und Kirche muss das Strafrecht allerdings Lösungen anbieten. Der juristischen Diskussion ist dies bisher noch nicht gelungen. Anlass genug für den Autor, den allgemeinen Konsens der Kapitulation des Rechts vor den Extremsituationen des Lebens unvoreingenommen von Grund auf zu hinterfragen. Die mit einem Fragezeichen versehene Straffreiheit stellt dabei quasi das Programm dar. Das Buch nimmt den Leser anhand zahlreicher Beispiele und konkreter Fälle mit auf eine Reise durch vielfältige Situationen tödlicher Gefahr. Dabei wird deutlich, in welchem Dilemma sich das Recht befindet, wenn es zu bewerten hat, was für Menschen nicht mehr bewertbar erscheint, wenn durch den Richter nachzuvollziehen ist, was den eigenen Vorstellungshorizont bis an die Grenzen herausfordert. Der Verfasser entwickelt einen strafrechtsdogmatischen Ansatz und formuliert eine mutige Lösung. Der abschließende Teil prüft rechtsvergleichend die Lage in Spanien, Frankreich, in der Schweiz, Österreich, China und in den USA.

**Die Provokation bei Notwehr** Ho-Won Hwang, 2003-06-06

**Großwörterbuch Italienisch** Luisa Giacoma, 2009

Das Recht der Notwehr nach dem Bürgerlichen Gesetzbuch für das Deutsche Reich Friedrich Schollmeyer, 1899

**Error in persona vel obiecto und aberratio ictus bei der Notwehr** Johann Mayr, 1992 Die Konsequenzen unzutreffender Vorsatzkonkretisierungen für die Strafbarkeit des Täters werden in der Strafrechtswissenschaft unter den Stichworten error in persona vel obiecto und aberratio ictus schon seit jeher kontrovers diskutiert. Nach dem

aufsehenerregenden Urteil des Landgerichts Munchen I vom 10.11.1987 herrscht in Rechtsprechung und Lehre auch Streit darüber, wie sich unrichtige Individualisierungen innerhalb des subjektiven Rechtfertigungselements der Notwehr auswirken. Die vorliegende Untersuchung zeigt Parallelen zwischen den beiden Problemkreisen auf und entwickelt im Wege einer normativierenden Strafrechtsdogmatik ein eigenständiges, differenzierendes Lösungsmodell zur Behandlung fehlerhafter Vorstellungskonkretisierungen im Rahmen des Verteidigungswillens.

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