

RESPONSIBLE POWER: UNDERSTANDING THE LEGALITY OF FORCE

Kevin Secours, Copyright 2005

THE ROLE OF THE LAW:

The martial arts were forged in the fires of primal human brutality. Long before strip mall dojos, 5 year old black belts and Tae Bo lunch programs, the earliest martial artists were primitive warriors, who adapted their skills from the hunt in order to protect their tribe and family. In these ancient forms, the martial arts were designed for one purpose—to keep warriors alive through any means necessary. Over centuries and across countries, this early knowledge evolved. Experiences were added and shared. Some discoveries were most certainly lost, misquoted, and misinterpreted. Systems, styles and arts grew to encapsulate the growing knowledge, modern weaponry, and new tactics, while others choose to remain frozen in tradition. In many cases, philosophical, aesthetic and religious considerations were integrated as every system adopted the flavors of the cultures and times in which they were engineered.

The modern martial arts in the Western world must similarly adopt the demands of 21st century. A dominant force for warriors today, whether civilian or professional, is the implication of the law. We live in a highly litigious society. Families sue baseball bat companies for injuries to their children after being hit by batted balls in little league games. Landlords sue tenants for refusing to occupy new restaurants on the basis that they're haunted. Burglars locked in the garages of family's away on vacation sue home-owners for the psychological trauma of having to live off dog food and Pepsi for 8 days. The fact is you can pretty much manufacture a case for just about anything in our current legal system if you're so inclined. It should therefore come as no surprise that many martial artists are deeply concerned about the repercussions of having to harm another human within a self-defense dynamic, regardless of whether or not they are justified.

I realize the temptation is to simply fall back on the old self-defense maxim: *"It's better to be judged by 12 than carried by 6"*. There is a simplicity to this logic: do whatever you need to survive within any given moment and worry about the aftermath later. The difficulty I have with this sentiment is that it too often adopts the tone of *"kill 'em all and let god sort them out."* The fact is, if you're reading this article, you probably believe in self-defense, both in your right to survive and the importance of training to improve your survival odds. It likely makes sense to you that if you have the opportunity to stack the odds in your favor, then you should take it. In this vein of thinking, I believe it's extremely important to remember the world we live in. The guilty do not always face justice. We all deeply understand this. It's precisely from this realization that the temptation to take justice into our own hand stems. If the system won't catch the guilty, we are tempted to say, then we will. A quick Google search of self-defense cases found sentences like: *"We're*

each on our own.” “You can’t rely on the police.” “Your security is your responsibility”. We must also remember that the innocent do not always go free. Sometimes, even if we are justified in defending ourselves, in taking action, in protecting our selves and our loved ones, we can face legal consequences. Given the fact that we have already accepted the responsibility to train ourselves in self-defense, doesn’t it make sense to do everything in our power to stack all of the odds in our favor—not just the immediate odds within the context of the fight, but also the post-conflict factors like legal ramification and even psychological repercussions? I believe that a responsible and truly protective action should encompass the full gamut of risk.

The most natural concern it seems stems not from a desire to harm, but rather a desire to survive. Most of us likely worry about the effectiveness of less-than-lethal options. Slapping a restraint lock on a drugged out psychopath certainly is physically more difficult than simply gouging their eyes and smashing them in the windpipe. Legally responsible technique need not be synonymous with ineffective technique however and in the course of this article, I will attempt to dispel this misconception by providing a simple overview of the legal implications of self-defense along with a simple, logical, step-by-step progression of strategies that we can all implement, regardless of our ideologies or morality.

CONTEXTUALIZING THE LAW:

One helpful step in reframing the importance of the law in your martial training is to understand the different obligations our training carries. Too often, we think only of the need for our training to be effective and so we limit our efforts to distilling and intensifying our physical training down to the most brutal techniques possible. There can be a natural exhilaration and compulsion to do so. As modern warriors however, our duty should extend beyond ourselves. In my DVD **Primal Power 2: Simplifying Restraint Tactics** I discussed the 4 major responsibilities that influence the tactical choices we make:

1. **Professional Obligations:** The first responsibility is the most obvious. If you are a Law Enforcement Officer (L.E.O.) or Security Professional, First Responder or other professional that may encounter hostility, you will definitely have an extremely heightened obligation to minimize the degree of harm that you inflict on any aggressor. Professionals are also well aware of the additional social pressures which they are under. Even a slight infraction of excessive force can be caught on film and lead to a media frenzy. As severe as these obligations are however, they naturally apply to only the smallest portion of our society.
2. **Moral Obligations:** Moral limitations should cast a far wider net than professional ones. Research shows that most individuals are fundamentally resistant to harming their own species. There is significant anthropological

evidence that suggests this inhibition is ultimately not driven by altruism or fundamental goodness as many would like to believe. Rather, it appears to be an evolutionary safe-guard which has developed; we have learned to do whatever is best for our individual survival. Inhibitions against harming members of our own species stem from a desire to avoid the risk of personal injury, as well as from the instinct to band together, sometimes even with rivals, in order to improve survival odds against a predator. At some level it also includes the realization that evolution is a battle royal--eliminating one rival may accidentally benefit another even greater opponent. Conflict specialist William Ury notes that violence is a cost/benefit analysis. Although moral obligations likely do extend to a larger portion of the population than legal ones, they are still somewhat subjective and not universal for every practitioner.

3. **Psychological Obligations:** Every physical encounter carries the risk of psychological injury. Violent encounters can be highly stressful and can shatter the survivor's sense of security. Inflicting harm, even when justified, can leave individuals with long-term Post Traumatic Stress as soldiers from past wars have clearly evidenced. One key factor in minimizing the risk or remorse and guilt is solidifying one's sense of justification in retaliation. Knowing that you have done only what is required rather than losing full emotional control of your being during a crisis can mean the difference between simply surviving violence and truly continuing to live a full life.
4. **Legal Obligations:** Finally we come to the focus of this article—legal obligations. Regardless of our profession, morality or psyche, we are all subject to the law. The law casts the very widest light of accountability over us all and therefore should be given a proportionate importance in our preparation.

THE FORCE CONTINUUM:

Law Enforcement professionals employ various models for gauging reasonable and excessive force responses in violent encounters. Commonly known as "*The Force Continuum*", this measure is a general guideline which attempts to distill aggression and responses into a sequence of options from light to severe. For the purposes of this article, I will use a 6 step scale. Other similar models also exist with fewer or more stages. Arguments can be made in favor of them all. I have chosen this model as a good balance between completeness and simplicity.

PRESENCE:

1

INTIMIDATING PRESENCE	COMMAND PRESENCE
--------------------------	------------------

The very first level of threat is physical presence. We all have an intuitive sense of personal space. Individuals who begin to encroach these limits will immediately set off reflexive warning bells in our natural defensive system and generally create a sense of heightened anxiety within us. Within an ideal legal framework, we would be justified to respond to an intimidating psychological presence with a heightened or more forceful physical presence—what L.E.O.'s often refer to as a “*Command Presence*”.

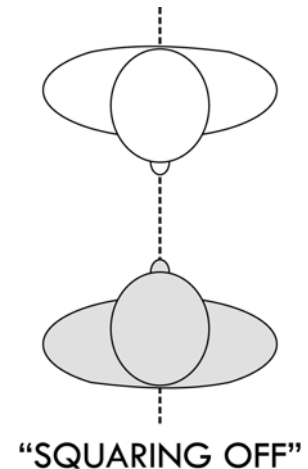
Visualize a typical police officer approaching a vehicle they have stopped for speeding. How do they look? Think of how they approach, what their body language and expression look like, etc. Chances are they will be alert, confident, strong and dominant without being over-bearing. If there is a second officer, they will likely stay back near their own car, on the opposite side, their hand at the ready on their side arm. In more suspicious situations, the firearm will be drawn. The interviewing officer will make eye contact but will not get pre-occupied by this. Instead, they will scan their environment at all times to show awareness. In short, if they respect their training, they will project an impression of competence and discourage any notion that they would be an easy victim.

Physical presence, gesture and basic actions are all natural components of our combative preparation. They are often referred to as “*ritualistic combat*” since there is a very procedural and ceremonial type of rhythm that is usually involved. Aggressors can sway back and forth, flail their fists, grimace, remove jackets, drop belonging and a host of other reflexive responses to evidence their aggression. Aggressors and defenders alike will likely repeat what has worked for them in the past. No matter where we fall on the spectrum, from professional boxer to street fighter, we naturally learn from our experiences and usually repeat successful patterns. Pre-combat rituals are familiar repetitions that affirm past successes. They are distillations of our total combat knowledge. In the absence of any knowledge, skill or confidence, a typical response is “*tonic immobility*” or freezing—a primal reflex to play dead to discourage the chances of being devoured.

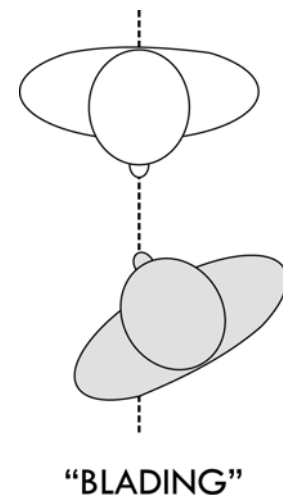
There are a number of basic components involved in maintaining a strong physical presence. I will outline some of the most essential below. For a more detailed treatment, please refer to my dvd, **Warhead: Russian Combat Psychology**:

“BLADING THE BODY”:

When encroached by a potential aggressor, the very first step we should take is to avoid “squaring off” with our torso parallel to theirs. Squaring off invites aggression. It can suggest a sense of confrontation and resistance. Additionally, as our fear response becomes engaged, tension will tend to enter into our heart (heightened pulse rate), our lungs (accelerated breathing) and our shoulders and neck (as our blood flow increases to our “reptilian” hind brain (the seat of survival instincts). Squaring off will only increase this naturally occurring tension in our body, limiting our response time, range of motion and efficiency.



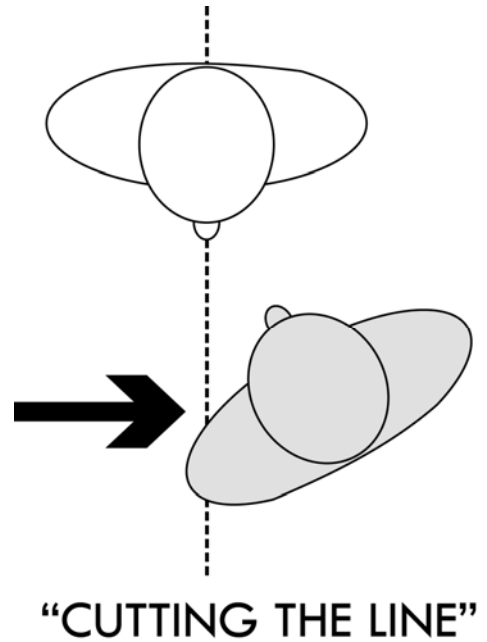
Conversely, simply think of the body as if it were a knife blade, with 2 flat surfaces (the front and back) and 2 “blades” the edges of our bodies. Envision simply twisting our body slightly so that the flat portion of our torso is no longer perfectly parallel to our aggressor’s. When training “blading”, it’s helpful to learn to feel the difference in body position. If you stand squarely in front of an aggressor, you will ordinarily feel a sense of tension, almost of compression occurring between both you and them—particularly around the chest and sternum. The moment you twist your body ever so slightly, you allow much of that tension to escape and help relax your body more.



In addition, standing squarely in front of your opponent is tantamount to offering a buffet of vital points (many of which are located down the “center line” of your body). Furthermore, most of the center line targets are most easily affected by direct forward pressure. By simply blading the body, we place the torso at a preferable angle for deflections. Blading also allows professionals to withdraw and protect their “strong side” (the side on which they carry their dominant side arm) while using their support side to define their space and keep a physical barrier between them and the aggressor. The key when blading is to never turn more than 45 degrees. At this point, you begin offering your back to your opponent and make yourself more vulnerable rather than less.

“CUTTING THE LINE”:

Another consideration is the relative position of your body to the aggressor(s). As we have seen, simply blading the body already provides a positive advantage. In addition, if possible, shifting away from the aggressor's centerline will help further decrease the sense of confrontation. In addition, by staying away from the aggressor's center line you help improve your response time by distancing yourself from the far side of their body while simultaneously smothering the closer side of their body. Naturally, extreme caution must always be exercised when you are within striking range. Even subtle motions can reveal the intent to use a weapon and changes in facial expressions, particularly around the eyes, can reveal the approach of a secondary attacker.

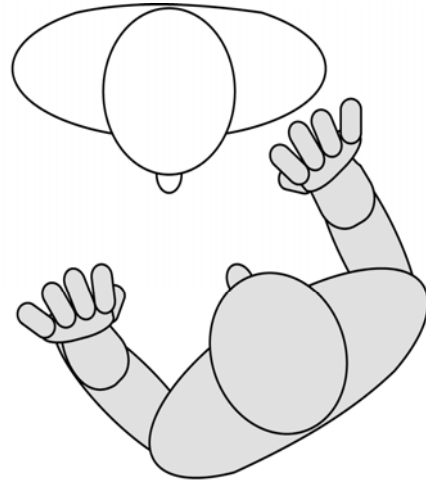


Cutting the Line is more easily achieved when a larger distance (3-4 feet or more exist between you both). As you become closer (within striking range), people will tend to naturally “mirror” your movement and instinctively remain parallel. Even within a very confined dynamic, it is still possible to shift slightly more to one side by simple shifting the body weight slightly more onto one leg. This can also help load the leg for quicker entries and forward pressure should retaliation become necessary. Remember, moving is a process of transferring weight from one leg to the other. If you are standing with exactly balanced weight distribution, you will need to first transfer your weight more onto one leg before you will be able to retreat or enter. If the weight is already subtly transferred, you have eliminated a time-consuming step from your response chain.

“DEFINING YOUR LIMITS”:

There’s an old expression in New England that says: “*Good fences make good neighbors.*” Limits help people function in a society together. They let one person know where another person’s freedom begins and ends. In an aggressive situation, limits become even more critical. Defenders need to clearly express their boundaries. This is a hugely important factor not only in maximizing your survival odds but also in legally justifying a violent response.

The simplest way to define your limits is to always keep your hands between you and your attacker. If you think of a traditional fighting stance from boxing or the martial arts, you will see a blatant example of how this could be done. From a legal perspective however, it’s difficult to argue that you were trying to de-escalate a situation if you were waving your clenched fists at your aggressor. Instead, adopt a “*passive*” stance. Your palms should be open and relaxed and kept facing the aggressor. This simple action shows the other that your hands are empty. This projects a universally understood message of submission and non-violence.



“DEFINING YOUR SPACE”

This action is not purely defensive however. While keeping your hands actively between you and your aggressor does provide an essential barrier, it also keeps your hands closer to your attacker’s vital targets. The greater the distance your hands are from your opponent, the more time they will have to react should you need to retaliate or pre-emptively attack. By keeping them passively up, you are better able to infiltrate your aggressor’s protective radar. We all require a minimal time to process any response. We must see a threat and either make a conscious decision to respond or else, if the threat is deemed urgent enough, our body is hijacked by our natural defense mechanisms. Even the most primal response however requires a minimal processing time. By starting off as close as possible to our attacker, we are better able to literally “beat them to the punch”. By the same rule, if your aggressor is grabbing you, touching you, or waving his arms at you and you are not prepared to retaliate immediately, make every effort to stay beyond their reach, never allowing the aggressor to infiltrate your own barrier. If you are grabbed, consider the hold a strike that has already infiltrated your defenses. “Acknowledge” the offending grab, either counter grabbing it or at the very least touching it with your forearm or shoulder to help improve your sensitivity to it and subsequent control and response time.

VERBAL DE_ESCALATION:

2

VERBAL HARASSMENT/
ASSAULTS

VERBAL DE-ESCALATION

The next level of aggression is verbal harassment, insults, threats and assaults. When confronted with verbal attacks, our most effective tool is a basic understanding of verbal de-escalation tactics.

Verbal de-escalation can be employed against virtually any level of aggression as a highly safe and legal alternative to physical violence. While verbal de-escalation will not always be able to fully resolve a conflict, it should always play a support role even when physical actions must be taken. Ideally, you should try to always establish the best possible tactical position first, as prescribed in our previous section, before attempting verbal de-escalation tactics. Should your verbal strategies fail, you want to be in the most advantageous position possible to protect yourself and retaliate. A key component of justifying the force level you use against an aggressor is to make sure that you clearly define your limitations and in some cases, particularly with Law Enforcement professionals, you may also indicate the consequence for failing to respond. While physical positioning and gesture do communicate extremely well, they are more easily prone to misinterpretation than clear verbal commands.

When issuing orders or commands, be certain to use language that is simple and clear. Deliver the commands loudly and reiterate the commands continuously. During a crisis, emotions will likely be high. Individuals are often less receptive as both vision and hearing tunnel and muffle somewhat as part of the body's natural defense mechanisms (which are designed to focus the body on survival). Restating your commands repeatedly is absolutely vital. Preferably, you should alternate between "repeating" your commands (saying the same information the exact same way) and "reiterating" your commands (saying the same information in a different way). The reasons for this is that while identical repetition does have a momentum and rhythm that can help hammer the command into a subject, there is always a risk or at least a legal argument can be made that one existed, that the subject did not understand a word or phrase and so failed to respond. By interjecting an occasional reiteration, you help lessen the strength of your potential justification.

EX:

Repetition: "Sir, stop! Stop! Stop sir! Stop."

Reiteration: "Sir, stop. Stop where you are. Stop! Do not come any further! Sir if you take one more step, I will be forced to physically stop you!"

When you are not issuing commands but rather trying to placate or more submissively defuse a situation, it is equally essential to train the type of language you will use. No matter how massive you may choose to be, some degree of confidence and assertion is vital in your voice. Responding sheepishly, in a tone that is low, or shrill, stammering, or any other attribute that could make understanding you difficult, could potentially trigger aggression. Instead, seek to use a tone that is obvious and clear without being confrontational. It is imperative that you signal that you both hear and acknowledge your aggressor. Phrases like “*I understand*”, “*I hear you*”, “*ok*” and the like are among the most powerful tools for indicating empathy. It shows the aggressor that you understand and implies that you are willing to cooperate. Similarly, reiterating their commands or instructions can also be helpful.

EX:

Aggressor: “*Give me your wallet now or I will drive this knife into your face!*”

Defender: “*Alright. Alright. My wallet is in my front right pocket (pointing subtly)—I’m getting it out right now. Do you want me to hand it to you or throw on the ground?*”

The example above also includes another important tool—it ends with a question. During a crisis, the brain instinctively seeks to switch from the cognitive functions of the forebrain to the instinctive actions of the reptilian hindbrain. Speech is a forebrain function. When you ask a question, you tempt the forebrain to re-engage and help keep an aggressor cognitive and in a negotiation step. Contrarily, when an aggressor fails to engage verbally despite your efforts to address them and interact, you have a very telling aggression cue that they are likely to attack you within seconds.

PASSIVE AGGRESSION:

3

PASSIVE AGGRESSION

**SOFT CONTROL AND
DIRECTION**

The next level of aggression is what we will term “*passive aggression*”. This would include any invasive or potentially threatening encroachment of your personal space which does not necessarily connote a clear physical intent to assault you. Here are some examples of passive aggression:

- An absolute stranger walks up to you at a bus stop in broad daylight. There are people everywhere around you. He is standing far too close and acting somewhat oddly. It seems clear that he is in an odd mental state. He begins to touch you in what he may intend to be a friendly way. You blade, cut the line and define your space and begin to address the situation. You openly state: *“Whoa, please don’t touch me. Do I know you?”* The stranger remains politely and happily in your face and continues to make occasional contact.
- You’re in a bar having a good time with friends and a strange guy walks up and puts his arm around your shoulders. You immediately slip away, blade, cut the line, define your space and try to engage in a casual verbal exchange to defuse the situation but he remains grabby. You clearly tell him to stop touching you in a firm and intense way. His expression changes, he becomes slightly more serious but continues to try to touch you, asking: *“Why are you getting so upset? I just want to get to know you?”*
- In the case of Law Enforcement professionals, this level can also include *“passive resistance”*. A drunk, sleeping in front of the entrance to private property would be an example of passive resistance. You lightly kick the sole of his shoe to revive him but he is rambling and far from lucid or cooperative.

In all of these cases, you would be arguably well within your rights to make soft, polite, yet firm physical contact, touching a shoulder to get their attention or putting your hands up and defining your space against an encroacher. If they walk into your hands, you would maintain the space between you both—avoid initiating the contact yourself and definitely do not push them, not even lightly. These are all examples of highly acceptable and justifiable soft force usage that show a desire to minimize the harm inflicted.

Situations can be far more convoluted than these however. Imagine the following scenario:

- You are walking home at night. It’s late. The streets are empty except for a single stranger behind you, some distance away. You feel uncomfortable so you trust your intuition and cross over to the other side of the street. The stranger crosses over as well, in a very casual manner but almost immediately. You walk a little further and notice the stranger is getting closer. You decide to cross the street for a second time. The stranger seems to follow you for a second time, crossing over, again in a casual manner, but almost on cue the minute after you move. It’s possible that he is just meandering at exactly the same rhythm as you but highly unlikely. He has now closed to within 20 feet of you. You prepare yourself physically and mentally and assume a powerful and dominant posture as you walk. You stop at a bench on the side walk and walk around to the far side so that the

bench is between you and the approaching stranger. You lean your bag on the back rest of the bench and pretend you are about to look for something. The stranger stops on the other side of the bench. You are completely ready to act. You make direct eye contact, clearly evidencing that you do not welcome the intrusion and that you are suspicious and ask: “Can I help you?”

- In this case, given the context, the situation is very charged emotionally even though technically you are only at the second level of threat. If the stranger were to smile and say: “I was wondering if you knew what time it was?” or “Didn’t we go to school together?” or any of a hundred potentially harmless and cliché icebreakers, you would not easily be able to justify a forceful response. If the encounter stayed at that level of casual pleasantries, you would stay within verbal response limits.
- If, by comparison, the stranger then tried to casually make contact with you, you would be justified in responding with soft force, defining your limits, keeping your arms up even if it resulted in contacting him. You might even touch or direct the aggressor.

ACTIVE AGGRESSION:

4

ACTIVE AGGRESSION

**HARD CONTROL OR
RETALIATION**

The next level of aggression is what we will term “*active aggression*”. This would include any level of action or gesture that could be construed as clearly offensive and potentially dangerous to your person. Examples would include:

- A person who raises their hand towards you with obvious aggressive intent. It’s not necessary to wait for them to strike you. The cocking or loading of the arm, the leveling or aiming of a gun, the point of a knife, etc. are all considered blatant signs of intended aggression.
- Similarly, active aggression cues like an individual shedding a layer of clothing (i.e. throwing their jacket or backpack on the floor).
- In some cases, standing up in a confrontational manner.
- Getting out of their car in a forceful manner after a “*fender bender*” and rushing towards you.
- Running at you with obvious aggressive intent.

These are just a few examples but you get an idea of how broad the spectrum could be. These would all be signs of intentional aggression that could be justifiably answered with hard physical force (strikes or restraint and control tactics). As we will see a little later on, the moment we decide to engage physically, there are a number of other considerations that can come into play, which we will discuss in more detail in the following section.

ESCALATED AGGRESSION:

5

ACTIVE AGGRESSION

**HARD CONTROL OR
RETALIATION**

Once we enter into the domain of physical conflicts, the degree of perceived danger can be largely subject. A hold as simple as a headlock can become instantly life-threatening, jeopardizing airways, blood flow and the spine. A compressing pin on the ground can break ribs, pierce lungs, cause positional asphyxia or trigger a heart attack. A simple push can drive you into traffic or down a flight of stairs. Once we climb onto the slippery slope of physical conflict, we must do everything in our power to safeguard our justification for having acted.

In some law enforcement models they will distinguish between a life-threatening hold or strike, then give greater importance sequentially to rigid weapon attacks, bladed attacks and finally firearms in respective order. Civilians are arguably less burdened in this regard. Given the reality that you will generally not be armed when attacked, any form of pronounced aggression, particularly armed assaults, can substantiate a resolute response using the necessary force to end the encounter. Since Law Enforcement professionals will generally have a firearm, baton and perhaps TASER or pepper spray, they will be given specific instructions as to when their intermediary arm is preferable to their firearm.

DEADLY FORCE:

6

LETHAL FORCE

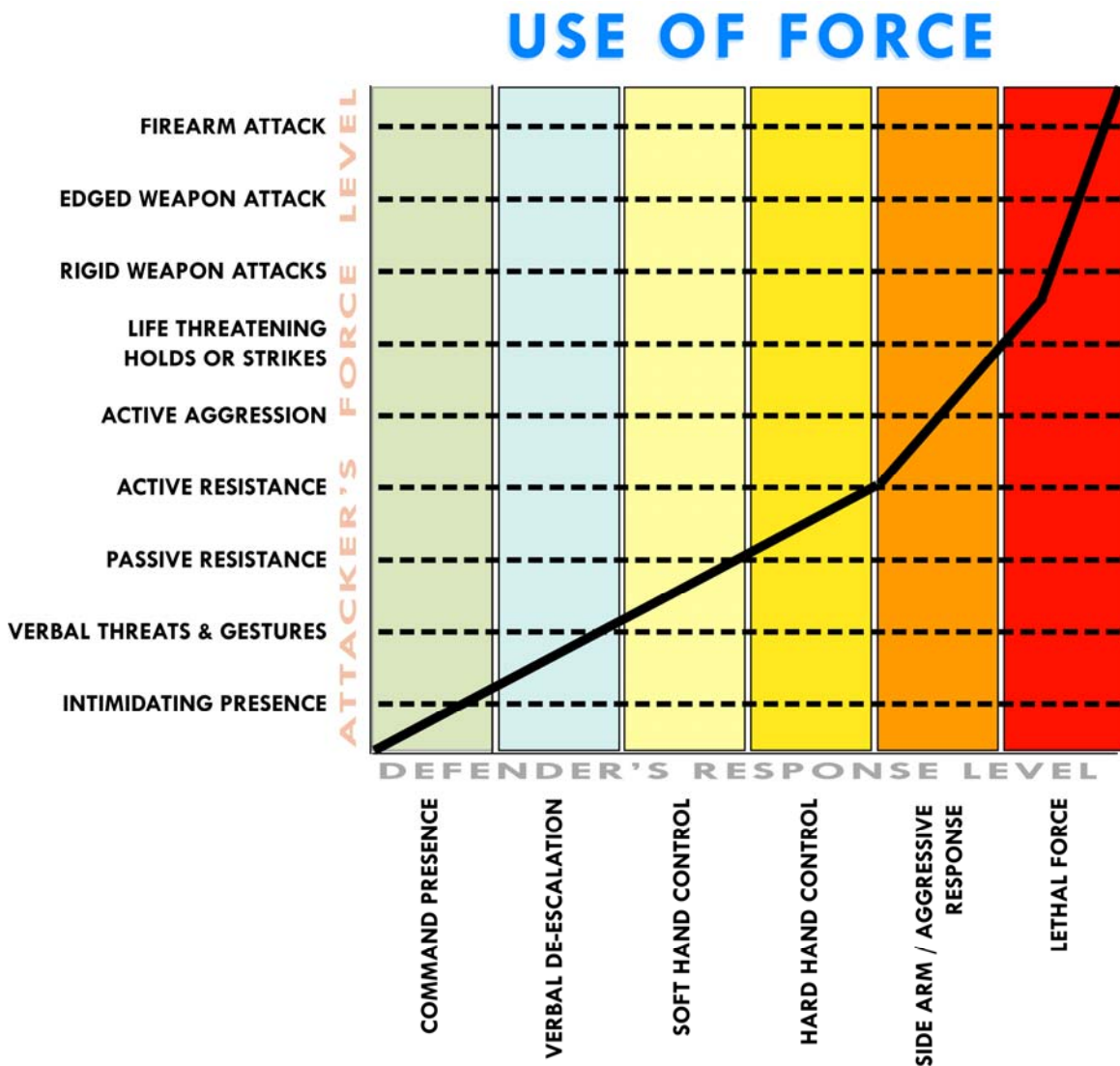
LETHAL FORCE

The goal of self-defense is to survive. The goal of law enforcement is to protect. In **neither** case is the goal to kill. Although fatalities can result in both of these dynamics, we must be careful to avoid intentionally seeking to harm the aggressor. That being said, we are fully entitled to use the force that we deem necessary to end an encounter. If the context illustrates that our attacker is larger,

stronger, more skilled, emotionally motivated, drugged, possibly deranged, and armed, and they initiate an attack against us, we must respond resolutely. **Seeking the quickest possible resolution is tactically the most prudent and safe response for you, your loved ones and any other innocent participants.**

Even for L.E.O.'s, when the threat is clear and the risk of death to yourself or another individual is imminent, lethal force is not only authorized, but often prescribed as the most prudent course of action. The goal is not to seek fatal results but rather to use any means necessary to end the encounter. As we will discuss in the next section however, the more severe the response, the more necessary the justification and special treatment will be given to substantiating lethal force.

FORCE CONTINUUM SUMMARY: In the preceding sections, we divided the force continuum into 6 essential steps and compared common threats with ideal examples of responsible limits for force level. Force continuums can be slippery subjects even for the well-versed expert. Certainly, if this is your first exposure to this type of framework, it may unearth more questions than it solves initially. With some consideration however, it will become much more intuitive and begin to provide important goals for your training. In the spirit of clarity, I have consolidated the continuum on the following graph.



The attacker's force level is listed along the left side of the chart. Possible responses by the defender are listed across the bottom. To understand this chart, follow the horizontal dotted line of the attacker's action across to the upward

angled line. The intersection point represents the furthest possible legal option available to the defender. For example, we see that command presence is absolutely justifiable as a response against an intimidating presence, but that even verbal de-escalation efforts can begin to risk being considered excessive. An “aggressor” who doesn’t push the attack can later argue that he or she was simply standing there when you began harassing them verbally. If by comparison, the aggressor initiates verbal assaults before you attempt de-escalation, you have far more justification to respond in kind. Granted, “excessive” or premature de-escalation carries a far lower risk than other inappropriate responses, but still it begs clarification. Moreover, simple presence, without verbal support or additional physical actions could be justified as a physical assault in certain situations. If we return to the example of waking up to see a strange intruder at the base of your bed holding a knife, your justification to jump up to engage physically, possibly even including lethal force, would be much greater.

SPECIAL CONSIDERATIONS FOR LETHAL FORCE:

Given the many profound ramifications of using lethal force within a self-defense dynamic, I would like to digress to devote particular attention to justifying a mortal response. When individuals consider the prospect of defending their lives, they naturally veer towards consideration of lethal force. Certainly, the mere prospect of being attacked insults our sense of security and triggers hurt, anger and an instinctive vengeance in many of us. There is often a tremendous desire to avenge the mere prospect of wrong-doing and many of us likely indulge a little in exaggeration and fantasy when simply considering this possibility. Once the discussion becomes more concrete and we consider the many ramifications of inflicting serious injury or death, the great majority of us will seek to avoid needlessly harming another, if for no other reason, to risk getting ourselves harmed in the process.

There are 3 dominantly important factors to consider in any situation when substantiating lethal force.

1. **Potential:** The first consideration is an aggressor’s potential for harming you. An obvious example would be an individual walking down the street swinging a knife. They have an obvious potential to harm you since they are armed. Certainly any weapon, whether conventional or improvisational provides this same potential. Similarly, some consideration of the aggressor(s) age, size, and the number of aggressors relative to the survivor is also an extremely important factor. A 6’7”, 350 lb, hulking body builder can obviously be more easily argued to have the potential to harm you, than a 5 year old child.

- 2. Ability:** The next consideration is the aggressor's ability to bring that potential to bear. An attacker with a gun as we have said has a greater potential to harm us, but his ability to inflict that harm can vary. Distance is the key indicator here: an attacker who has a gun resting on a counter top beyond their reach could be obviously argued to have less ability to harm you than an attacker who is holding a gun in their hand. An attacker holding a knife or stick who is standing across the street would have less ability to harm you than one who is standing directly within reach.

- 3. Intent:** The aggressor's intent is also a huge factor. An aggressor may be standing within reach and holding a gun, giving him both the obvious potential and ability to harm you. His attitude and demeanor however will be the deciding factor in justifying your response. An attacker who is walking across their back lawn holding a gun obviously could represent a threat, however if he is in his bathing suit and holding the gun casually by his side, he might be returning his child's toy water pistol to the garage rather than invading your back yard by force. That same neighbor waking you up in the middle of the night by sitting on your chest in the bedroom and pointing that same water pistol in your face would give you exponentially more justification to respond with extreme force.

All three of these components play an essential role in substantiating a justifiable threat but obviously the better able you are to provide proof of each of these three components, the more able you will be to justify a forceful response. Other factors also play into the equation:

- 1.** Certainly the number of aggressors relative to the number of defenders is relevant. A mob is generally a larger threat than an individual.

- 2.** The relative size of all participants is a factor. Generally, a small defender can more readily justify a more aggressive response against a larger attacker.

- 3.** Similarly age can be a factor. A young, athletic aggressor can be more easily argued to be a physical threat than a small child or very frail, elderly person.

- 4.** The mental or emotional state of all participants is relative. If a defender is excited, angry and volatile, it will be more difficult to substantiate that they acted prudently or with control. Granted, counter arguments can be made to substantiate and excuse mental states, up to and including pleas of temporary insanity, but we are speaking in generalizations here.

Generally, it is preferable to remain calm and lucid in a crisis. Naturally, calmness works best when it reinforces control and restraint. An aggressor, who is both calm and ruthless, will contrarily appear to be more psychotic and unstable. Similarly, an explosively emotional aggressor who does not respond to verbal de-escalation efforts can be more easily argued to be a threat warranting a physical response.

5. Physical condition is a separate consideration. Injury and fatigue are can substantiate escalating your response. Similar weaknesses in the attacker would conversely warrant light uses of force.
6. Environmental factors are also important. Weather, lighting, obstacles and the like can affect emotions, visibility, urgency, etc.
7. Your knowledge of combat can come into play. If you are experienced in the martial arts for example, or have weapons training, military experience or the like, a greater burden will likely be placed on you in legal considerations to exercise restraint. Similarly, if you are defending yourself against a known professional boxer, the justification for escalated defense would sway in your favor.

PREPARING FOR VIOLENCE:

As we have seen, there are no clear cut answers when it comes to evaluating reasonable force. In every case, any response that you choose will be open to interpretation by our legal system. Given the reality of this subjectivity, it begs mentioning that the very safest response is to avoid becoming involved in a physical altercation whenever possible. **Do not volunteer for violence.** Of course we don't always have a choice. When we must act, it's important to seek to inflict only that amount of force which we deem is required within the context. Furthermore, the more familiar we can become with the basic framework of the force continuum, the more likely we are to avoid instances of excessive force. Equally important, an increased understanding will also make us more able to define our limits to a potential aggressor, more sensitive to the need to permit an aggressor to comply when possible, and if all else fails, more able to justify any action we take with intelligence.

In my first book *The Dragon Mind Method*, I wrote: *"We can't wait until we're at knife point or staring down the barrel of a gun to consider the ramifications of harming."* I would like to end by reiterating this point. While it's naturally impossible to prepare for every eventuality and while even attempting to try to funnel the vastness of possibility down into bite-sized pieces is counter-productive, we do need to get our feet wet. When we encounter violence in our daily lives, through direct experience, second hand accounts, the evening news, or any of the

many other sources in our environments, we owe it to ourselves to give it some thought. What would we have done? What level of force do we think would have been reasonable? Would our actions have been justifiable? Deeply visualize the possibility of surviving such an encounter, from beginning to end, considering both the pre and post combative factors. See your self harming, speaking to the police, seeking medical attention, defending yourself in a court of law. The more complete your preparation, regardless of how occasional it may be, the more likely you are to escape truly unscathed, physically, mentally and legally.

“Times of security should be used to prepare for harsh circumstances.”

--Seneca—