

Overview of Violence and the Law

Intentional Use of Violence

All criminal violence, and uses of violence in self-defense, are inherently intentional. In criminal violence, the person using force to injure another is doing so intentionally in a context in which the law prohibits such actions and in the absence of necessity. In cases of legal self-defense, the person using force to injure another is doing so intentionally in a context in which the failure to do so would result in bodily injury or death to themselves.

The term "intent," as used during TFT seminars, is the same as "intent" used under any legal definition. In fact, to establish a claim of legal self-defense, a person must first agree that they have intentionally injured someone. This is due to the fact that any use of violence is first considered criminal and then later determined to be justified. A person pursuing a claim of self-defense must consciously admit, "Yes, I did injure this person, but had I not done so, I would have been the one being injured or killed."

Fear of Serious Bodily Injury or Death or a Fight

The police, prosecution, judge and jury will not be deciding whether you intended to use violence, but rather, whether your intentional use of violence was appropriate in the context in which it was used. This context must be devoid of choice. One must "honestly and reasonably be in fear of imminent bodily injury." If deadly force is employed, that threat must rise to the level of "serious bodily injury and/or death" before any reviewing party will consider the use of force justified.

Further, if you agree to engage someone in a "fight," you will be considered a mutual combatant and your self-defense claim will fail. This is because entering into a "fight" is a choice, not a necessity.

If you use force such that the original threat has been quelled and continue to do so after either the threat has diminished or the person attempting to injure you backs down or tries to disengage, you will have exceeded the permissible use of force and continued past self-defense into the realm of criminal violence. This is because the law is designed to relegate uses of violence to times when it is absolutely necessary, and if the threat ends, so should the responding use of force.

Immediately Ask for an Attorney

When involved in a violent encounter, you are under no obligation to tell the police anything and should not attempt to justify your position. Just ask for an attorney. The right against self-incrimination exists from the minute you interact with the authorities and "anything you say can and will be used against you in a court of law."

Even if you feel you were authorized to respond in the manner you did, anything you say to authorities will be picked apart, investigated, and weighed against anything they can find to

counter your statements. Your right to remain silent, and wait for an attorney to speak for you, cannot be used against you.

Knowledge of Injury to the Body

Having an understanding of how the body can be injured by another person can be useful before, during, and after a violent encounter.

Before a violent encounter, this understanding of human injury will inform you as to possible threats, or lack thereof, to your physical safety and help you to respond only when reasonably necessary.

During a violent encounter, this knowledge of human injury can help you not only achieve the necessary injuries to survive the initiating threat, but also to understand when the threat has diminished such that no more force is necessary or help you decide that more force is necessary to survive.

After the encounter, knowledge of human injury can be used to convey (through an attorney) the imminence of the threat in the first place and the reasonableness of the force used in response to that threat.

No Guarantees Under Legal System

While this understanding of human injury can assist you before, during and after a criminally violent encounter, and can greatly increase your ability to successfully pursue a claim self-defense, there are no guarantees under the legal system.

Interaction with the legal system is an uphill battle even if you felt you needed to do what was done. For that reason, your best bet is to avoid interactions with the legal system altogether and only use injury when absolutely necessary.

If you have time to ask yourself whether or not you should be using violence, chances are great that you should not.

Finally, this article does not constitute "legal advice" but is meant as a guide to understand how the law views humans injuring humans. Legal advice is what you will receive from an attorney who represents you after a violent encounter, who has full knowledge of the factual situation and the context in which it occurred.