

Self Defence and the Martial Arts

By Sensei Donald Rycroft

When a student embarks upon the study of the Martial Arts there are often a number of reasons identified as the motivating factor. We often hear self-defence, confidence, increasing personal self-confidence, discipline and many other reasons as key factors that motivate our students.

Many budo schools teach that a strong offence, including attacking uke and breaking bones, is the best defence to a confrontational situation. As serious students know, confrontation should be the last resort. I have neither the experience nor the motivation to compare our style of martial arts to other styles and that is not the purpose of this commentary

My purpose is to share some of my thoughts, as well as some legal research that you may find informative.

There are a number of great advantages to HDRJJ. One of the attractive features of HDRJJ to me as primarily as a lawyer, parent and student was that self-defence is fundamental and control of an assailant without causing devastating harm, at the first instance, is not only possible, it is expected.

I have often wondered as I study our style and attend seminars and speak with other martial artists, how much force is justified before one steps over the bounds of reasonable force and would be liable for excessive use of force in repelling an assailant. As any law enforcement officer can tell you, in the control of any person or in any confrontation, care must be exercised to use reasonable force. What is reasonable is a question of fact and depends upon the actual situation.

An interesting case came to my attention recently. It touches on injuries or damage inflicted on an individual once they are effectively removed from the altercation or compromised. The specific facts, while relevant to the outcome, are more important for the principles they elucidate. Briefly, an individual involved in a violent confrontation was disarmed and ended up on the ground. At that point the other participant picked up a rock and threw at the person on the ground causing loss of the complainant's eye and fractures to his face. The assailant was charged and convicted of aggravated assault.

The Court held that the act of throwing the rock was NOT self-defence, as the complainant was not attacking the assailant at that time. Thus the defence of "self-defence" was not available to the assailant for throwing the rock and further held that throwing the rock was an act of punishment.

From this case, we can learn several things. First, as many of us have all been asked by Sensei Lamonica upon compromising an uke, 'why did you then simulate breaking an arm or inflicting some additional simulated injury?'. Based upon the R. v. Pine decision noted above, once a person has been compromised

and is no longer attacking, further damage inflicted will not be justifiable in a Court of law, and accordingly, cannot be justified by a HDRJJ practitioner. We are taught to be humane and efficient. Injuries may be sustained in the application of techniques in the course of an altercation, but they should be minimal or at least in keeping with the situation (e.g. exceptional circumstances) and any injury or damage inflicted after the uke is compromised, will not be in keeping with our philosophy nor the law.

We are each entitled to protect families and ourselves. The use of force must be reasonable in the circumstances. A HDRJJ practitioner would not be justified for using excessive or unreasonable force to inflict damage upon a compromised uke for example, breaking an arm or by administering a kick to uke after uke has been compromised. These would be examples of the unjustifiable application of excessive (read unreasonable) force.

Remember, a student of HDRJJ is no longer an untrained individual who must rely upon those rather brutal techniques of self-defence which we often discuss with new students. Our style and training imbue in us the compassionate but extremely effective means of controlling an individual without unnecessarily inflicting permanent injury or damage.