

Wednesday, September 5, 2007

Power of zero: No chasing, competing, or catching up with our opponents.

Â Â Practicing life andÂ law as a harmonious whole.Â Â Â As I inform my clients, our court cases are not about us against our opponents, but are about persuading the judge and jury. Â In that regard, t'ai chi master extraordinaire Benjamin Pang Jeng Lo (pictured here, second from the top) once said: "Normally we think that if [our opponent] has 100 pounds of force or power, I better have 150. But then if I get 150 pounds of force, he may have accumulated more himself. Or thereâ€™ll be somebody else with more. So next time it will be my 150 against his 200. Then lâ€™ll need to go to 250â€™ and still, thereâ€™s always going to be somebody with more than me. So I need to reverse my approach. I need to take my own power down to 0. Then thereâ€™s no chasing or spiraling. Nothing can change. If he has 100, I have 0. If he has 150, I have 0. If he has 200, I still have 0, on and on, whatever he has, lâ€™m always beneath it, it doesnâ€™t change or affect me. lâ€™m not chasing his attributes, or competing, or catching up, or exceeding him. Thatâ€™s Taijiquan.â€•Â In other words, t'ai chi and trials should be about harmonizing our situation, rather than focusing on winning. If winning is needed for us to harmonize our situation, so be it. If unavoidable harm to our opponent is needed to harmonize our situation, so be it again. If harmonization is possible without any loser and without harm to anyone, all the better. Jon Katz.

Posted by Jon Katz in Persuasion at 01:00

Our current system is an "adversary system." It is the Government versus some "Human Being." Competition for ideas and the ability to express the defendant's story and to persuade either the prosecutor, the Judge, and/or the jury is fundamental. There is too much of a tendency for people to think our system is an "inquisitorial" system or that our system does not involve the expression of competing ideas. To defend a fellow human being against the power government, requires work to fully express that human being's story and to get out that and defend him or her as a zealous advocate and as I like to call myself --- a "warrior." While plea bargaining and compromising and negotiating skills are necessary, it is important to me to negotiate from a position of "strength." If you want some good asian philosophy recommendations, then read "The Art of War" by Sun Tzu.
Anonymous on Sep 11 2007, 22:45

Thanks, Glen, for your reply.

I do not think that your reply is inconsistent with my original posting.

Practicing t'ai chi as a martial art and in litigation can pack devastating damage. Ben Lo, who is quoted in my blog entry, was talking not about proceeding without strength, but about using our opponent's energy to our advantage, so as to conserve our own fighting energy as much as possible.

As one example of how devastating a fighter Ben can be, five years ago, I asked him to demonstrate how t'ai chi could be used to deflect a full-force punch to the face or abdomen. He had a student try to punch him; Ben responded by quickly grabbing the attacker's forearm in Ben's forearms, and turning Ben's body to enable him easily to severely injure the attacker, had Ben wanted. The attacker was put in such pain that he told me to volunteer next time I want Ben's demonstration.

For me, t'ai chi provides an important calming effect on me, for me to avoid any first instinct of yelling expletives at my opponent, which would be particularly ineffective in front of a judge or jury.

I know about Sun Tzu, and recommend reading him. However, I certainly don't like Sun Tzu's absence of apparent concern for the injustices of war. Thanks, again. Jon
Anonymous on Sep 11 2007, 22:58

Jon,

"There is no instance of a country having benefited from prolonged warfare.

"It is only one who is thoroughly acquainted with the evils of war that can thoroughly understand the profitable way of carrying it on."
Anonymous on Sep 22 2007, 20:09