

Syracuse University
College of Law
Legal Writer's Toolkit

Focus Questions For The Gift of Fear

These focus questions are intended to aid you in the active reading of Gavin de Becker's "The Gift of Fear," one of the books selected by the faculty and staff of the Syracuse University College of Law to help prepare you for your time studying law. This book was chosen by the College of Law's Director of Student Affairs, Sarah Collins..

The questions are written with the intention of helping you. You won't be tested on your answers and you can feel free to read the book without them should you choose. And there aren't any correct answers for these questions. It's more important to question the text and reflect on what the answers might be than to seek for a definitive "correct" answer.

The questions are designed to model the process of active reading, which is a skill with which you should already be familiar. Active reading is a crucial skill for doing well in law school, and the more adept you become at it before you come to school, the better you will do during your time here. If you would like to learn more about active reading, there will be content discussing the topic in more depth on the Legal Writer's Toolkit site.

You shouldn't assume that these questions indicate a point of view or that they're trying to steer you to answer them in a particular way. Rather, they're intended to provoke you to think critically about what you read and to help you form your own conclusions, based on the information the author gives you about the topics discussed in the book.

We hope you enjoy The Gift of Fear, and we look forward to meeting you and working with you over the course of the next few years.

CHAPTER 1

1. The author starts this book with an extended story about a woman who survives a violent attack. How effective is this technique in drawing you in to the book and its subject matter? Lawyers use story-telling techniques a lot when writing about the facts of a case, so it is helpful for us to evaluate the use of those techniques in the works of others. Would this technique work for a lawyer?
2. As you were reading the story, did you see what it was that led to the victim of the assault to leave the apartment in the knowledge that the perpetrator was going to kill her?
3. The author says that “fear is [a] powerful ally.” Had you considered fear in these terms before?
4. The author talks about capital punishment. Does he present a balanced view of the topic? Is that his intention?
5. The author places gender identity on our response to intuition. Is this a fair assessment? This book was written in 1997. Is it possible that it reflects the attitudes of that time, not today?
6. Have you had an intuitive sense about something? Was it correct? Was it incorrect? Do you believe yourself to be an intuitive person?
7. The author uses several pages to discuss his background, the clients with whom he works, and the services he provides. Why does he do this? Is it helpful? Distracting? What is your response to the type of information the author gives you at the end of this chapter?

CHAPTER TWO

1. Had you considered the possibility that you have highly-developed intuitive skills? Have you had a reason to rely on those skills, or do you think that if those skills exist they are dormant in you?
2. The author gives a detailed list of things to look for when confronting a potentially dangerous kangaroo, and then tells you that he made the list up. Is this helpful? Does it increase or decrease the trust you feel in the advice the author is giving?
3. The author suggests that the fact that some ex-husbands violate restraining means that the documents are “often useless.” Is this correct? Is the author making a logical error in reaching this assumption? Or is the author using rhetoric to make a point? If so, does he intend us to believe him when he reaches this conclusion? If not, does this enhance or detract from his credibility, or does it leave his credibility unaffected? As lawyers, do you recognize the potential inconsistency between the facts and the author’s assertion here?

CHAPTER THREE

1. The author writes definitively about some people. For example, he asserts that someone with a “perceived need to be in control” grew up in a particular type of household. Is the author correct or is he being too definite, based on your experience?

CHAPTER FOUR

1. Has anyone used the “forced teaming” technique the author describes in this chapter? How did you respond to this technique?
2. As lawyers, we often have to decide if someone is lying to us. Does what the author says here about “too many details” seem that it might be helpful to you in detecting a lie? Have you experienced the sense that someone is lying to you because they gave you too many details about something?
3. The author makes it appear that every unsolicited offer of help is made with an ulterior motive. Is this true? Have you made an unsolicited offer of help to someone? Did you have an ulterior motive, even one you perceived to be benign?

CHAPTER FIVE

1. The author makes some broad generalizations about human behavior in this chapter. For example, the author asserts that “we seek connection with others, we are saddened by loss and try to avoid it” and so on. Do you agree with all of these generalizations? Some? None? To the extent you agree with them, how do you think they will help you predict the behavior of others? To the extent you disagree with them, how will that affect the way you respond to what the author has to say?
2. The author asserts that our behavior is usually not “the result of conscious decision making.” Is this correct? Or is the author only talking about aberrant behavior?
3. The author describes seeing a situation the way another person would see it. Although he doesn’t use the word, the author is describing empathy. Is empathy an important tool for lawyers to use? Do you see why can be helpful, as a lawyer, too see why other people behave as they do? Will this book help you understand people’s behavior more clearly?

CHAPTER SIX

1. The author says he is offering the eleven elements of prediction “as a glimpse into some of the strategies used by [his] firm . . .” Is this why he is offering this information? Are we interested in learning how his firm predicts outcomes, or are we interested in predicting those outcomes ourselves? Does it matter? What does what the author writes here say about his reasons for writing this book?

2. The author writes that his firm uses these elements of prediction to predict what opposing litigants might do. Can we use the same techniques to make our own predictions in litigation?
3. Having read these eleven elements of prediction, do you believe them to be helpful in making predictions? In all areas? In some areas?

CHAPTER SEVEN

1. The author notes that threat language is not conditional. Had you perceived the importance of these words before? In most sentences, it is the nouns and verbs that get most attention but sometimes it is the short words - conjunctions, articles, and conditionals - that carry the most significance. The author's point here is an important one for lawyers to recognize: all words in a sentence are important and even the shortest and smallest words can reveal a great deal about the meaning of the sentence and the intention of the writer.
2. In Ireland in the 1970s, many calls were made by terrorists to public places in which the caller said a bomb had been planted and would be detonated a short amount of time later - long enough to evacuate the area but not long enough to defuse the bomb. Almost always, the caller was telling the truth and the bomb would explode when the caller said it would. Why would the caller make such a call? What would the author advise if asked about such calls? Would he be correct?

CHAPTER EIGHT

1. Reprising a theme he has sounded before, the author seems to suggest that restraining orders are unhelpful. Is he correct in this? Are there situations in which restraining orders could be helpful? Are all situations in which restraining orders are sought comparable to the situation the author describes here?

CHAPTER NINE

1. The author describes Park Dietz as "the nations' leading forensic psychiatrist and an expert on violence . . ." Is he? How do you know? What context has the author supplied for you to reach any conclusions about Dr. Dietz? Why has the author given you nothing to substantiate his claim? As lawyers, we often have to persuade others - lawyers, judges, clients, juries - that someone is a distinguished expert on something or other. Do we copy the author's technique here when doing that? Or are there other things we can do to make our listener or reader accept such a proposition? What is the better approach? Why?
2. As you read the author's description of employee behavior, note how he uses words like "many," "sometimes," and "generally." Is the author being appropriately cautious here or do you think he is less certain about who might be violent than he appears to be?

3. Are all employees who behave as the author describes “violently inclined?” The author appears to indicate so, because there are no qualifying words surrounding the conclusion, but is he right? Suppose you observe someone you know behaving in the way the author describes. Do you have an obligation to act to prevent the violence you predict will occur? What happens if you act and are wrong? What if you fail to act and you were correct?
4. The author uses an interesting validation technique in this chapter. He first described Park Dietz as “the nation’s leading forensic psychiatrist” and then mentions his “brilliant thinking” which he brought to a multiyear study of workplace violence. Then he mentions a project he and Dr. Dietz worked on together. Does this make the author seem more or less credible, without discussing his credibility? Do you see how lawyers can use this technique to validate their clients or expert witnesses? Would it be effective? If you see another lawyer using this technique, would you seek to prevent it?
5. The author describes a series of interview questions he recommends. Have you need asked questions like this in an interview? If you have, what was your response? If not, what would your response be? Do you see how questions like this can produce answers that could be revealing? Will you have answers to these questions ready for your next interview? When questioning people as a lawyer, will you listen closely to their answers so you can hear not just their direct responses but also the subtext of those responses?
6. As lawyers, we are sometimes called on to review a client’s practices and protocols. This can often involve reviewing how a client hires and fires its employees. Will the information provided in this chapter be helpful to you when asked to perform such an assignment?

CHAPTER TEN

1. The author writes as though O.J. Simpson was convicted of killing his ex-wife. In fact, Simpson was acquitted of the criminal charges brought against him. Is the author’s approach an understandable or does he bring his credibility into doubt? How would you characterize the author’s respect for the legal process? For criminal defense lawyers?
2. Once again in this chapter, the author appears to be dismissive of the practice of granting restraining orders, yet offers no alternative approaches for the legal system. What should the legal system do to combat domestic violence in this country? Are there steps the law can, and should, take that are consistent with the Constitution that would go beyond restraining orders and that might be successful? Or is the law limited in the types of response it can make to a domestic abuse allegation?
3. After his condemnation of TROs throughout this chapter, the author then writes “Perhaps . . . it may look, statistically speaking, as if they are successful. I don’t know.” Is

this an admission that the author doesn't know? Is it an acknowledgement that his opinions are based on belief, not data? Is this an effective way of presenting his position? Does this appear to be too close a reading of words that might not be intended to be interpreted literally? Do you see how lawyers must be careful with every word they write or speak?

CHAPTER ELEVEN

1. This chapter continues to provide specific information on how women are stalked by men and how they can best deal with this. There are no specific questions about the material in this chapter, but as you read it consider if you have experienced any of these techniques used by stalkers or have used any yourself. If you have experienced them, will the information in this chapter help you if you experience them again? And if you have employed any of these techniques, help you realize why they are so troublesome and will you avoid them in the future?

2. This chapter delves into the area of manipulation in the context of inter-personal relationships, but lawyers encounter manipulation in all forms of professional settings. Does this chapter help you recognize the signs of manipulation regardless of the context and help to make you aware when you experience these signs?

3. If you are concerned about being stalked, or have any concerns about your relationships, Syracuse University has resources for you. At Syracuse, you can receive help from the Barnes Center at the Arch:

i. 24-Hour Support Call 315.443.8000

Syracuse University students experiencing a mental health crisis, seeking support for sexual assault or relationship violence, or needing medical consultation can receive free confidential services 24 hours a day, seven days a week by calling 315.443.8000. Please note, routine consultations should hold until the next business day.

ii. Schedule an Appointment-Call 315.443.8000.

CHAPTER TWELVE

TRIGGER WARNING.. This chapter involves a discussion of suicide that might prove troubling to you. If you think you will be disturbed by this chapter, you should not read it. And if you need resources to help you with any feelings you might have, at Syracuse, you can receive help from:

A. Barnes Center at the Arch:

- i. 24-Hour Support: Call 315.443.8000

Syracuse University students experiencing a mental health crisis, seeking support for sexual assault or relationship violence, or needing medical consultation can receive free confidential services 24 hours a day, seven days a week by calling 315.443.8000. Please note, routine consultations should hold until the next business day;

- ii. Schedule an Appointment: Call 315.443.8000;

B. Lawyer Assistance Program <https://nysba.org/lawyer-assistance-program/>

The Lawyer Assistance Program (LAP) of the New York State Bar Association was established in 1990 to assist attorneys, judges, and law school students who are affected by alcoholism, drug abuse, stress, depression, and other mental health issues. LAP also provides support services to families, law firms and others in the legal community who are concerned about mental health issues among attorneys.

1. The author writes of risk factors that can be used to predict child violence. Would information about any of these risk factors be available to school authorities prior to the child committing a violent act? If not, are these predictive factors helpful to the authorities in predicting future violent acts?
2. The author predicts that in the future, parents will be able to use pre-natal testing to determine if a child will have “unwanted personality genes.” The author doesn’t say, but what is your prediction about what would happen to such children? Do you believe such a day will happen, even if the science to permit it exists? Should it?

CHAPTER THIRTEEN

1. Again in this chapter, the author describes the ten characteristics of assassins that could not be known to authorities before the assassination. Could these insights be helpful in predicting future events? These characteristics can help to confirm that a person had homicidal tendencies after the fact, but is this helpful as a predictive measure?
2. The author notes that many assassins are known by their full names, often with their middle names included, even though they didn't use their full names themselves. To what extent does this tendency come from the use of John Wilkes booth's full name? The author proposes a rhetorical change to de-glamorize assassins. To what extent do you think it might have had an effect on Booth had he been known as "Johnny?" Do you see how the rhetoric of naming can have a substantive effect on people's perceptions? How might you use this insight as a lawyer?

CHAPTER FOURTEEN

1. The author gives us a great deal of detail about Michael Perry and his actions. What does this detail add to the author's intention to show us how we can use survival signals to protect us from violence? The author says that he had predicted Perry would act out violently before he murdered his parents, yet such a prediction did not help Perry's parents. Was the author under a professional or ethical obligation to help try to stop Perry's actions? Is there anything he could have done?
2. The author describes the Supreme Court's holding in Perry's case as "one of history's most impartial decisions." Can issue be more impartial or less? Are you surprised at the Court's holding? Why do you think the Court reached its decision? Is this how all courts act, or are expected to act?
3. The author describes why he paid so much attention to the Perry case. Do you agree with the reasons he gives, or do you think he had different motives behind his spending so much time on this case?

CHAPTER FIFTEEN

1. The author notes that close to the fear of death is the fear of public speaking. Do you fear public speaking? Will knowing that so many people fear public speaking help you when you prepare a client to testify at a deposition or at trial?
2. Do you worry about outcomes? Does what the author says about worry help you? Had you perceived what the author says about worry?