

Reasoning in "to kill a mockingbird" essay sample

[Law](#), [Criminal Justice](#)



In the outset, I will begin by stating that custom reasoning is where the judge uses the customs and traditions of the people while making the ruling in a case. The judge listens to the person called by the court, considered to be the custodian and properly informed of the traditions in reference. He then makes a ruling on the basis of opinion given by this expert of the custom. The person is found guilty if for example his actions are found to have gone against the traditions and customs of the land. This type of reasoning is not always fair because most mores and traditions are most of the time biased favoring the majority. The minority mostly are disadvantaged. Another disadvantage of this type of reasoning is that the person alleged to be the custodian of traditions and customs can also be biased and give a wrong opinion of the tradition in dispute.

Principle reasoning is when the judge makes a ruling on a case depending on the principles that both parties agree on and are laid clearly on the table. For example in a business dispute, the judge will be guided by the principles not only of the entire business fraternity but also the specific values of the business deal that had been brokered. This type of reasoning is fairer than custom reasoning because the ruling of the judge is based on the agreement they had been agreed upon by the parties prior to the signing of the agreement.

Reasoning on the basis of policy refers to the ruling of the judge based on the policy of the state or the court. In coming up with a decision as to whether someone is guilty or not, the judge puts more emphasis on the policy of the government of the land. For example, if the policy of the state favors the rich while marginalizing the poor, the judge will also rule in this

regard. This type of reasoning can only be fair if the policy of a country favors both the majority and the minority. When the opposite is the case, the minority or the marginalized cannot be able to get justice. Additionally, policies of a country are dynamic and change with time most of the time, and in most countries from worse to the better, therefore bad policies in the past can be replaced with good policies in the present to favor both the minority and majority with an aim achieving justice in the society.

Finally, rule based reasoning is a type of interpretation where the judge makes a ruling on the basis of the written laws of the land, probably the constitution. Unlike principle reasoning, this type reckoning plays strictly by the laws of the land, for example, when parties sign an agreement that goes against the laws of the land, the judge declares the null and void. This type of reasoning is the most accepted in the civilized societies. It assumes the laws of the land contained in the constitution are the most accepted parameters of declaring someone guilty or innocent because they are binding to all citizens and the citizens have agreed to be ruled by the through a referendum.

In the movie, trial to kill a mocking bird, it is not true that Atticus uses custom reasoning but rather his reasoning is based on principle and law. He tells the court that Tom, whose left upper limb is lame, could not have committed the crime because he would have required the use this limb while raping the teenage girl. This is principle reasoning. He goes ahead to say that the girl who is said to have been raped had not been examined by a doctor to establish whether indeed there were any signs of rape on her and whether her virginity had been tempered with. This becomes disturbingly

suspicious indicating how biased the court was.

The prosecutor and the judge on the other hand apply the custom reasoning. Just because the suspect was black, and the society had a tradition discriminating against the blacks who were the minority, the judge finds Tom guilty and gives him a jail sentence. This is despite all the efforts by Atticus to show the court that Tom had a bad left hand which was very much required to commit the crime. As the movie progresses, Atticus goes home and is vilified by his neighbors for having defended a black man in court. This further illustrates how much biased this society was against the blacks. The judge, the prosecutor and the society are simply saying that rules are less important compared to custom, meaning whites against blacks and that blacks should not be given any mercy because they didn't deserve to have it even when allegations that cannot be proved by law are made against them.

The defense attorney applies reasoning by rule based. He states clearly why he thinks Tom Robinson is innocent but the court obviously does not give any attention to what he says. According to the movie he is the only person who is applying logic in his reasoning but the rest are blinded by the color of the skin of the suspect.