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Week 6

What is the 'standard of reasonableness' (the 'reasonable person standard')? What role does it serve in the courts and in the interpretation and enforcement of law? Do you believe it is possible to imagine a jury or judge adopting such a position successfully (i.e., without bias)? Why? Why not?

The 'standard of reasonableness' is a concept in the court of law to determine if a person has committed an act with a criminal mind or with criminal intent. This concept questions 'what would a reasonable person do or believe in a given situation. For example, if a person B were to attack a person A for a reason unknown to person A, and person A were to kill someone in self-defence, person A would be brought to trial to determine if he killed the person willingly or if it was self-defence. During the situation, in the mind of person A, it is perfectly reasonable to believe that they thought person B was going to either kill them or cause them bodily harm. In this case, the court would determine that person A had murdered person B out of probable fear for their life and while not be punished. In the same situation, if person B worked with person A and it was known to the court that person A would have benefited greatly from the death of person B, then it is possible and reasonable to believe that person A took advantage of the situation to kill person B to benefit from their death. In this situation person A would have had the motive and the opportunity to kill person B, which would mean that person A had killed person B with criminal intent and should be punished for murder. The standard of reasonableness does not question if the person had done the right thing, but questions if they had committed the crime with criminal intent. The court only prosecutes people based on whether they committed the action with criminal intent.

I do not believe it is possible for a judge or jury to adopt this position successfully. The standard of reasonableness may be a well-defined concept in the court of law, but this standard is also relative to the general population and what the person perceives. For example, let's say there is a 19-year-old person who loves doing schoolwork and never wants to do drugs. this person was instructed by their parents one night to pick up their sibling from a party. This party had a lot of drugs and alcohol, which was brought by dealers. When the 19-year-old arrives at the party to pick up their sibling they accidentally pick up the bag of a drug dealer (mistaking it as their sibling's) as they leave. The police, coming to break up the party, then apprehend this person as they are leaving the party and charge the person with possession of illegal substances. In a court of law, which would be full of strangers, there would be a lot of information that would cause bias among the judge and jury. These facts would include, the person being from a bad neighbourhood, was caught leaving a party as the police arrived, the person's age, and they were in possession of a bag of drugs. In this case, the standard of reasonableness would possibly fail as the judge and jury would believe it is more reasonable that this adult was a drug dealer, instead of considering the possibility that they accidentally picked up the wrong bag while picking up their sibling. Since the standard of reasonableness is a relative concept that is determined by people uninvolved in the situation, it is possible that they would believe someone committed a crime based on meaningless factors.