TRASH ON THE BEACH
Facts, Rules and Principles

An Exercise in Reasoning from Facts to an Applicable Rule back to the Facts of a Case
TRASH ON THE BEACH

The very idea of reasoning suggests something more than merely giving reasons or making an argument. But what more?

It suggests a method with steps.

Reasoning about this or that, whether it be about the law or how to build a bridge is not just thinking, but a way of thinking, an approach or a method that supposedly helps one get from one place to another, from, say, the idea for a bridge to the construction of the bridge.

So however we characterize it, reasoning ought to get us from here to there, from competing intuitions about how to “answer” a question to, ideally, an answer to the question.

In courts of law, judges issue opinions or rulings but in order to issue an opinion or a ruling a judge first take certain steps. She . . .

a. determines the facts of the case;
   b. identifies a relevant rule of law;
   c. resolves whether facts in (a) “fit” the rule, and
   d. then, issues a ruling, an opinion, or a decision.

Presumably if there is reasoning, it takes place somewhere in-between “a” and “d.” Or maybe the reasoning is just “a” through “d.”

The process appears to be simple enough but almost immediately one discovers in tackling cases such as “The Trolley Problem” or one or more of the “Puzzlers,” the process is not nearly so straight-forward as it might at first appear. The lack of straight-forwardness, of course, is what makes reasoning from facts to a rule, principle or law and back again to the facts simultaneously frustrating and fun.
Consider the following:

**TRASH ON THE BEACH**

_Imagine members of the city council of a small town on the Island of Martha’s Vineyard discover that “No Litter” signs like the one above on the first page of the Study Guide, asking residents to take their trash with them when they leave the local beach are not effective. Trash is accumulating. The council meets to discuss the matter and decides that a stronger measure is needed and decides to pass an ordinance imposing a $50 fine on those residents who leave trash on the beach. Imagine the ordinance is passed and signs are posted on the beach in plain view announcing a $50 fine for anyone who leaves trash on the beach. So now there’s local city ordinance (a law) and signs which read:*

**$50 Fine for Leaving TRASH on the Beach**

Now imagine that the city places several surveillance cameras on the beach. Imagine they do this for some independent reason, for example, to determine beach erosion. Imagine, the cameras are trained on the beach for three weeks in summer and run 24 hours a day. Imagine that it is within the city’s authority to do so and imagine, after three weeks of recording, the videotapes are examined and it is discovered that several people have left items on the beach. Imagine, too, that the video equipment is sufficiently sophisticated so it is able to recognize not only the items but the faces of those who left them. Imagine, too, that the items have been retrieved and now serve as potential exhibits, exhibits A, if a trial or hearing need be held. So the police have the items that were left and are able to identify from the videotape who, in each instance, left them. Here’s what the police have on tape and in their possession:

1. A Bunch of Grapes
2. A Diamond Ring

3. Graffiti Spray-Painted on Rocks on the Beach

4. A Crushed, Empty Coke Can
5. Clam Shells from Another Beach

6. A Used, Marked-Up Paperback Book

7. A Spiral of Stones Gathered from the Beach
So the following seven items have been discovered on the beach.

And from the videotape, remember, the police can identify the persons who left these items on the beach.

(1) A Bunch of Grapes  
(2) A Diamond Ring  
(3) Graffiti Spray-Painted on Rocks on the Beach  
(4) A Crushed, Empty Coke Can  
(5) A Pile of Clam Shells from Another Beach  
(6) A Used Paperback Book.  
(7) A Spiral of Stones Gathered from the Beach.

Who is subject to the $50 fine?

Here it may help if everyone took out a piece of paper and made a list of the items in police possession and identified from 1 to 7 which items they thought were the easiest to prosecute and convict and which the hardest.

Imagine you are the local District Attorney. From 1 to 7 which item do you think is the easiest, which the hardest to prosecute and convict?

What goes at the top of your list; what goes at the bottom?