

Michele Mangini

The Multifacetedness of Reasonableness in Legal and in Political Theory

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*To my family who unswervingly supported
me through the long path that led me to
this book.*

Introduction

The Issues that Follow

We use to tackle political, ethical or legal issues separately. Present problems of liberal democracy and confrontation with authoritarian regimes are considered as political problems. In this vein the ‘fragility of democracies’ (Issacharoff 2015), especially with regard to the internal challenge coming from populist parties, is also taken as a political problem. In a partially different note the contemporary environmental crisis, of which ‘global climate change’ is the most visible phenomenon, is both a political and an ethical problem because governments alone appear unable to tackle its multiple facets without collaboration by individual citizens. There is increasing—but still inadequate—awareness that the style of life of consumeristic society determines a heavy impact on the environment. This point hints towards the main ethical problem of contemporary societies, that of a lack of orientation in ethical conduct. Even though a liberal society rejects all paternalistic or authoritarian prescriptions about how to live, general, vague criteria of ethical orientation would be helpful for many citizens—as some liberal perfectionists have tried to show (Raz 1986; Galston 1991; Sher 1997). Finally, all ethical and political issues meet in legal adjudication as the ‘compensation chamber’ in which conflicts of value must find solutions, though provisional and revisable. The legal arena, rather than violence, is the space in which conflicting values are argued for from perspectives that sometimes may come close, while other times remain at a distance, searching for reasonable solutions.

All these issues belong to different branches of practical philosophy and are discussed by different categories of scholars: political and moral philosophers, legal and environmental theorists, just to name the main groups. Generally, there are points of connexion and overlapping among these groups of theorists. Sometimes we find works that are impactful on all debates, as it was the case of John Rawls’s *A Theory of Justice* (1971). This masterwork has been studied and discussed by political, moral and legal scholars alike. It has also contributed to the debate on the environmental crisis, though to a minor extent.

In the pages that follow one of my main purposes is that of taking a number of hints from Rawls's contributions—also in *Political Liberalism* (1993)—addressing political, ethical, legal and environmental problems that have developed into directions hardly foreseeable in 1971 and 1993. What I believe to be most specific in the following chapters is the character of unitariness that connects my reflections on the already mentioned issues. 'Reasonableness' is the concept to which I shall appeal to show how the practical domain requires a more unitary view than what is usually conceded. It may be criticised as a vague and empty word, but I firmly believe that reasonableness, rather than being a buzzword, is a central concept of our society and the variety of its descriptive uses hints towards a normative core that may be helpful in all the contexts I have already mentioned. The overarching purposes of my reflections can be synthesised as follows: (1) by rejecting liberal scepticism, we can define to some extent normative criteria to live well together; (2) these criteria belong more to the domain of human flourishing than to that of justice; (3) these criteria constitute a developmental proposal that is continuous between ethics and politics, therefore they connect the way we live our individual lives to the way we arrange politically our living together and the domain of the 'ethics of virtues' has been called on throughout all chapters to spell out what counts for us as individual agents and as political communities; (4) no special transformation of our lives is required to apply these criteria that already belong to the way we reason and decide; therefore the thrust of the inquiry carries a certain degree of conservatism; and (5) finally, the criteria I refer to can be substantiated by the idea of 'reasonableness' and its multiple facets within practical reason: I take it as a notion that cuts across the domain of practical reason, including ethical, legal and political uses.

Liberal and Conservative Understandings of Reasonableness

At this point a few concepts are already in place to distinguish the idea of reasonableness I am introducing here from the well-known concept that is so central in Rawls' *Political Liberalism* and the debate that follows. My contention is that there is much more to reasonableness than what meets the (Rawlsian) eye. Rawls wants correctly to make a move beyond rationality that, in its formal and/or instrumental variants, has constrained political theory at least since Hobbes, but his use of reasonableness forgets the etymology of the concept (see Chap. 3) and a more substantial understanding that, as in Von Wright's proposal (see below), remains more true to its core meaning. The political, legal and ethical uses of reasonableness show its centrality for human life and its 'multifacetedness' (Sartor et al. 2009) of which only a fraction can be captured by Rawls's understanding.

I need now to present the overall picture of the different facets of reasonableness, and I cannot help starting from Rawls, not simply because he marked the field of political philosophy, as many say, in the last few decades but also because his contribution in *Political Liberalism* gives reasonableness a central place in his political conception and is largely influential on the contemporary debate. The way in which

Rawls characterises reasonableness is particularly relevant at least on two accounts. On the first account, reasonableness is at the centre of his view of political liberalism when he assumes that the problem of a modern democratic society is generated by a ‘pluralism of incompatible yet reasonable comprehensive doctrines’ (PL, XVI). It is the fact of ‘reasonable pluralism’ that he believes to tackle by his theory, not any unreasonable or irrational pluralism. Famously, Rawls proposes a view of reasonable persons as equal persons who ‘are ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so’ (PL, 49). The idea of *reciprocity* is at the centre of Rawls’s reasonableness, setting aside both the common good and self-interest. The reasonable person on this view is neither an altruist nor a self-interested person; rather he is someone ready to cooperate with others on fair terms and to accept the ‘burdens of judgement’ on the epistemic side.

On the second account, I believe that Rawls’s reasonableness can be characterised best by saying that in his political conception ‘the right overrides the good’: conceptions of the good are subjectively defined within a political framework directed by a conception of justice. In his view the preponderance of justice is bought, so to say, at the expense of a substantial conception of human flourishing whose objective status remains out of the horizon of Rawls’s political justice. Central ideas of the good such as ‘goodness as rationality’, ‘primary goods’ and the ‘political virtues’ represent the gist of Rawls’ conception of the good: they meet large consensus within the liberal field because they represent a ‘thin conception’ that does not make any claim towards ends.¹ What is good to pursue in individual lives—‘ends’—remains out of the scope of the Rawlsian theory. By contrast, one of the main intuitions that inspire my reflections is that ethics and politics cannot be entirely divorced: what is reasonable must concern also what makes our life go well, the ends of a good life. It is the crucial thrust of the ‘thesis of continuity’ to which I refer in what follows (though the third part of TJ makes some steps in this direction; see below).

Reasonableness would remain a central concept of contemporary liberal theory even if only connected to Rawls’s view of ‘public reason’ in *Political Liberalism*. But what determines its crucial position in the contemporary debate is the fact that other theorists appeal to reasonableness also from quite different quarters. John Kekes’ conservative proposal hinges on the connexion between reasonableness and the good life of people living in a certain society. Kekes holds that ‘natural conservatism is a reasonable aptitude, therefore, not only for those who enjoy their lives,

¹I interpret Rawls’s ‘thin theory of the good’ in the sense of being mainly subjectivist and instrumental. It is not objectivist because it does not hold ‘that goodness may properly be predicated of at least some human activity or objective state of affairs independently of any tendency they may have to arouse desirable subjective states’ (Olson 1962, 368). The only exception is that of ‘primary goods’ which are given an objective status, but they are just instrumental to the realisation of subjectively defined plans of life. In this sense Rawls’s conception of the good is ‘thin’ because it does not offer objective ends for individual choice: ‘its purpose is to secure the premises about primary goods required to arrive at the principles of justice’ (Rawls TJ, 396).

but also for those who hope to enjoy them in the future' (Kekes 1997, 8). On the conservative view, reasonableness appears connected to an understanding of 'good lives' with some degree of objectivism and to continuity in time: it is reasonable to preserve 'what is good for people', meaning 'ends' that continuity through time and experience have shown to be objectively acceptable—rather than simply a conception of what is instrumentally good for people, as Rawls holds in PL (Chap. 5). Throughout Kekes' book what appears outstanding and makes the difference is the connexion between reasonableness and what is good for people, what contributes to their good lives.² The conservative outlook on the possibility of agreement about factual answers is more optimistic than the usual liberal views about the good. Often agreement comes about, Kekes wants to emphasise, more by considering factual situations and their best conditions than by discussing about conceptions of the good life.

Reasonableness and the Thesis of Continuity

At the political level, then, it seems we encounter two alternative understandings of reasonableness whose disagreement hinges on the relation between the right and the good or, better, between justice and the good life. Liberals and conservatives disagree, at an abstract level, about the possibility of defining the conditions of the good life and their views of reasonableness disagree as a consequence. I believe it is also possible to identify a third possibility which rotates around a different understanding of reasonableness connected, again, to Rawls. Rawls, however, only gestures in this direction. I refer to the third part of *A Theory of Justice* (395f.) in which Rawls discusses the virtues and social excellence as things that 'it is rational to want in each citizen'. These individual goods are conducive to Rawls's basic good of *self-respect* which marks an important ethical milestone in a mainly political picture. The full theory of the good that Rawls introduces in the third part allows us to align him not entirely on the side of the 'thesis of discontinuity' between ethics and politics, as Ronald Dworkin charged him with (Dworkin 1990). Rather, also in Rawls's case there is some space for arguing in favour of the 'thesis of continuity' which gives importance to the role of citizens with respect to the well-functioning of political institutions.

Dworkin's thesis of continuity is no newcomer on the political scene. The ancients—and among them the example of Aristotle is outstanding—used to consider the ethical perspective on the way each citizen lives his private life as

²It may be useful to clarify from now that when I mention the expression 'the good life' I am gesturing towards a vague conception in which at least one layer should be well defined, that of the exercise of human excellence such as the virtues of the Aristotelian tradition. As we shall see in Chap. 8, these human experiences are not foreign also to the Rawlsian approach to the 'full theory of the good'. I take them as a necessary layer of the good life, showing both a personal and a public aspect.

necessarily connected to the functioning of political institutions. The connexion runs in both ways: it is quite evident, on the one hand, that bad government may affect negatively the lives of citizens—and that the democratic alternance, pushed by citizens' commitment, is meant to remedy the bad functioning of government. On the other hand, the way a citizen tries to live his good life cannot be entirely detached from the functioning of political institutions. In other words, he knows he has a stake in the well-functioning of political institutions and the way his life goes overall depends both on his private activities and on his commitment with the public sphere.

Dworkin's proposal seems, then, to resemble to a large extent the republican attention for political participation and for the contribution that each citizen can bring to the well-functioning of political institutions (Dagger 1993). However, the thesis of continuity induces to focus our reflection also on ethics *per se*, on the way we care about how our life goes, independently from political connexions. Neither conservatives nor Rawls's 'full theory of the good' remain foreign to an ethically centred understanding of reasonableness that is alternative to the view of reasonableness as reciprocity and promises to make sense of the thesis of continuity. I am referring to Von Wright's proposal of reasonableness as being concerned with 'the right way of living, with what is thought good or bad for men' (Von Wright 1993). Such a wide-ranging understanding covers all the ethical field—all 'value judgments', as Von Wright says—extending to the citizens' conduct as well. The merit of Von Wright's proposal is that of encompassing the conservative interpretation of reasonableness, oriented towards the good life, while making room for Rawls's 'full theory of the good' and his tension towards virtues and social excellence. In a conciliatory mood we might take Von Wright's proposal to come to supplement Rawls's view of reasonableness as reciprocity which might be retained to set the scene of a just society.

Being Reasonable Through the Future

However, the primacy of Von Wright's proposal over Rawls's appears most clearly when we locate it in the environmental context. Environmental crisis and global climate change require urgent responses that must get to the roots of the problem. Reasonableness as reciprocity between present and future generations cannot tackle the main issue: the consumer-oriented conception of wellbeing of contemporary society that leads to a growing depletion of natural resources. Rawls extends his view of a hypothetical social contract to future generations but, on the one hand, Rawls's understanding of reasonableness appears quite over-stretched when addressing future generations whose needs are partially unknown and, more importantly, whose technological capacities are now unforeseeable. On the other hand, his understanding of reasonableness cannot bring about any transformation in the attitudes of people towards the environment, while the alternative understanding I shall

develop in Chap. 9 leads to a ‘reasonable balance’ between human good life and the preservation of the natural environment.

Von Wright’s idea of reasonableness has objectivist reflexes that might be interpreted—as I shall try to show—in terms of a perfectionist/developmental view of the ethics of virtues. The core idea is that of reading ‘the right way of living’ in terms of the ethics of virtues, identified as the classical, Aristotelian virtues that concern essential spheres of human conduct³ (Nussbaum 1988). This interpretation is fully compatible with liberalism because the virtues are ‘modes of choosing’ correctly in those essential spheres, without preempting individual freedom. Therefore, what is reasonable to do in each case is what is in accordance with the virtues or at least goes in the direction of a good life oriented by the virtues. Just by way of example, with regard to the environmental context, many of our choices would be more compatible with the environment, if directed by the virtue of temperance. This virtue, similarly to all other virtues, does not identify precisely what is correct to do in each situation but gestures towards a mode of choosing which contributes to human flourishing because of keeping a balance between the self and the world around it. It is very clear how such a balance, achieved through temperance, can be particularly relevant for the protection of the environment.

If Von Wright’s proposal is plausible, we need an account of reasonableness that can range through ethical, legal and political domains, offering responses about what is good for us as human beings living in a time of great opportunities and scientific and technological innovations but also of augmented dangers. Just to focus on two reference points within a large range of options, we appeal to reasonableness both in daily decisions that concern our life and in the statesman’s decisions whose consequences may affect a political community. Then, the account of reasonableness that we shall propose is necessarily interdisciplinary and able to cut across different spheres of the practical domain.

An Interpersonal and Unitary Notion: Our Agenda

There are two main features of reasonableness that are central to the concept in our account and require to be emphasised. First, it is *interpersonal* in the sense that a judgement of reasonableness cannot be as such only for the agent. The agent who admits ‘it is reasonable only for me’ is saying something hardly intelligible. In normal situations we appeal to what is ‘reasonable for us’, for a community or even for us as human beings. There is a public dimension that inheres in ‘the reasonable’. On our reading reasonableness entails shared beliefs and values, at least to some extent (as we shall see in the following sections), whereas what is rational is as such primarily from the point of view of the agent and, only derivatively, it can take a

³The idea of ‘essential spheres’ makes no metaphysical claim: in Nussbaum’s view it only gestures towards spheres of human conduct which, through different times and spaces, have been found typical of human life.

collective form—as it happens in Rawls’s ‘original position’ in which the device of the ‘veil of ignorance’ has the purpose of constraining individual self-interest. Being interpersonal, reasonableness is a standard of evaluation that can be applied to the conduct of people as a model that combines ideal features with the real society in which each of us lives.

The second feature of reasonableness in our reading is that of *unitariness*. The presupposition is that we choose and act as agents with a (quite) stable identity, defined by the continuity of cognitive and affective dispositions. It is plausible to hold that it is psychologically realistic to believe in those dispositions at work for most of us. It is also plausible to consider the traditional virtues of our ancient legacy as a selection of those dispositions that we use to a large extent in our evaluations. If we understand the virtues as a spelling out of Von Wright’s ‘right way of living’, we can infer that what is reasonable is what is in accordance with the virtues. In turn, if this understanding is plausible, the use of reasonableness as a standard of evaluation entails a unitary view of the person by which we can say that someone is a ‘generous, courageous, just or else person’. A longstanding tradition confirms this kind of judgement rather than just saying that someone was generous in a certain kind of situation but might not be in other situations. ‘Situationists’ is the label for the advocates of this sort of moral fragmentation which belongs to the domain of social psychology theories. In my view it remains foreign to the normative demands of ethical theory which, especially in the case of the virtues, proposes models of guide for conduct. As I shall try to show in Chap. 1, the model of a reasonable agent that derives from the exercise of the virtues is able to integrate concerns in various human contexts and, therefore, appears as a unitary model.

The unitariness of reasonableness is not limited to ethics but also extends to the domain of epistemology. Reasons for action are necessarily intermingled with reasons for belief. Going back to the initial example of the environmental crisis, not only should our choices of what goods to pursue depend on preserving environmental values—for us and for the future—but also our beliefs about the crisis and its dangers are taken in conditions of uncertainty and require continuous testing. What is reasonable to believe and what is reasonable to do are interconnected and need some kind of ‘coordination’. Coordination, in my view, can be achieved if we proceed in parallel in ethics and epistemology. In Chap. 2, I try to show that in ethics we can achieve an account of ‘flourishing through the virtues’ in which what is good for people depends on human typical capacities—cognitive, sensory, emotional and social—that develop through time. These capacities shape, so to say, the domain of the goods we pursue, defining our ‘modes of choosing’, before we aim at any particular good. This shared idea of flourishing, if admissible, encourages agreement beyond the narrow domain afforded by liberal subjectivism of the good and what Rawls called ‘the burdens of judgement’. In turn, from the epistemic point of view we derive sound reasons for belief through an idea of ‘critical reasonableness’ which consists of the BARD (‘beyond any reasonable doubt’) criterion, so commonly used in adjudication, argumentation theory and the epistemic virtues. I believe these few criteria shape sounder reasons for belief.

The ethical unitariness of reasonableness must dovetail with its epistemic counterpart because beliefs about the world and the agent's place in it are reasonable from a first-person perspective taken as a whole: a life examined in its various aspects. By contrast, what is rational for the agent may be punctual in time or not but is surely dependent on the desires I want to realise, whatever they are. I propose 'critical reasonableness' as a way of spelling out to some extent objective grounds for belief, avoiding most risks coming from subjectivism. Critical reasonableness proposes sound grounds for our beliefs, though remaining aware of the Rawlsian 'burdens of judgement'. Methods of reasoning in the legal field such as BARD ('beyond any reasonable doubt') and argumentation offer some grounds to remedy the burdens of judgement. However, this view does not fall either into a rigid requirement of—quasi—scientific objectivism because critical reasonableness is eminently interpersonal relying on argumentation as one of its main grounds. Therefore, we can say that unitariness and interpersonality remain the red herring of reasonableness through the ethical and the epistemic domain.

A third main feature of reasonableness is its '*multifacetedness*' that emerges most clearly in the legal domain in which, as it was mentioned before, the concept has moved its first steps in modern times. It is not a coincidence that the recent cradle of reasonableness has been the law, especially adjudication, because the task of conflict-solving is mainly a job of the courts in our days.⁴ Assuming its features of unitariness and interpersonality, reasonableness has a strong 'integrative' potential among values. I have already introduced some hints at the intrapersonal level, but it is interpersonally that it can explicate its best potential. This takes place on three separated but interconnected accounts. On the first account, reasonableness appears as a principle or criterion, especially applied in the civil law in a large variety of cases. Its application is characterised by three main features. We owe to Rawls the identification of the first feature: the *fact of reasonable pluralism* of contemporary society which makes reasonableness a principle of balancing of conflicting values. This feature has a political origin, though its application is mainly legal—especially by higher courts. These are competent to identify what is 'most reasonable for us' as a society at a certain stage of evolution.⁵ The second feature is that of requiring a *careful examination of the facts of the case*. A reasonable decision is particularised to a certain context and agents. It can eventually obtain in similar cases, but any dissimilarities must be taken into account. The third feature shows

⁴By way of clarification it is important to emphasise that my references to the law in some chapters of the book do not entail that reasonableness is derived from the legal field, rather the opposite. This is especially clear with respect to the 'reasonable person standard' in the common law that is called on when positive law runs out. In Chap. 3, however, we find an examination of semantical uses of reasonableness by judicial courts only to the purpose of finding ends meet with the philosophical normative inquiry which is led through Von Wright's interpretation of reasonableness. Legal procedures are none of our concern here.

⁵This evolutionary feature of reasonableness explains why it made sense for Justice Holmes in *Lochner v. New York* (1905) to appeal to the standard of the 'reasonable man' in favour of social welfare legislation, while probably it would not have been possible one or two decades earlier in the American society.

that reasonableness is not confined merely to particular facts but aspires also *to locate facts against universal norms*, an ideal and multifaceted level of principles and values. This inquiry will be developed in Chap. 3.

On the second account, Chap. 4 will not range too far from the picture provided in the previous chapter, though its focus on the legal domain will take a different bent. In the common law reasonableness is spelled out primarily in terms of the ‘reasonable person standard’ (RPS), a model against which real-life situations must be evaluated. The inspiration of this model comes from ancient *phronesis* and the ethics of virtues. This legacy confers to the RPS a rich texture that encompasses intentions, emotions, desires, choices, etc., giving criteria of correctness in all these areas of human psychology. In this understanding the RPS can make better sense of the variety of tasks attributed to reasonableness than Kantian/Rawlsian or utilitarian alternatives. Although we can find some grounds in the law, rights- or utility-based interpretations of reasonableness, these fall short of the variety of tasks we commonly attribute to the RPS, taken as a model agent. This is a full-round model to be interpreted as an ideal to be appealed to in order to correct errors in which practical life may incur. For this reason the so-called normalcy challenge seems misplaced in this area because we need to look for a model of conduct against which cases of real life have to be evaluated. The model I propose is ‘developmental’ (or perfectionist) of the potential of human nature and rejects certain conservative positions such as Lord Devlin’s, according to which there is nothing more to reasonableness than what is given in a real society (Devlin 1965).

In the previous two chapters we have enquired on reasonableness as a criterion or standard to assess hard cases in the legal context. Although the RPS appeals to an ideal agent, it performs an ‘objective role’ by offering a yardstick for evaluation. On the third account, we are well aware that reasonableness plays a crucial part in the agent’s conception of the good. So, we can conjecture what has in fact happened in the last few decades: the development of a ‘virtue jurisprudence’ (e.g. Solum 2003) in which, aside from the other classical virtues, practical wisdom or *phronesis* takes a crucial position. This is true both for lawyers and for judges, but it is particularly important for the latter category because it is in decision-making that the results of reasoning are more relevant for the involved parties and for the community. I describe the figure of ‘the reasonable judge’ who is not only the heir of the legacy of *phronesis* but, in contemporary societies, dominated by positive law, is also able to exercise ‘craft’ and ‘rhetoric’. By the former I mean those technical legal skills that are necessary in the interpretation and application of the law. By the latter I refer to that capacity of communicating persuasively the judicial decision: this is important because often these decisions have wide-ranging effects on society (e.g. in cases of abortion or euthanasia). On this view, then, the subjective side of legal reasoning is described as deriving from the complex interplay of reasonableness, craft and rhetoric. In Chap. 5, I also develop reflections on reasonableness in the perspective of education. Education has a central place from the standpoint of the ethics of virtues that traditionally proposes the virtues as constituents of character. This necessarily requires a developmental perspective and, therefore, an emphasis on education. I try to track a certain path of education of the good decision-maker

that goes beyond the utilitarian and the Rawlsian approach, proposing a view of the reasonable judge which overcomes both utility maximisation and justice in favour of the most disadvantaged. In my view the reasonable judge shows qualities pertaining to *phronesis*, craft and rhetoric, going some steps beyond Dworkin's ideal judge Hercules, whose empathy or capacity in rhetoric as a civic practical art, necessary in the context of a *polis*, is not emphasised by Dworkin. Hercules' super-human capacities mainly belong to craft and to a principled interpretation of the law but Dworkin does not emphasise much his *phronetic* qualities.

At some point considerations of reasonableness in the legal domain have touched on politically relevant issues: rights, utility, equality, freedom, just to mention the main ideas. In designing the main contours of reasonableness in the political dimension, Chap. 6 will take Rawls's political theory as a point of comparison in the background. In turn, its proposal will address federal political entities more than national states, trying to carry forward a proposal for the government of contemporary, complex and multicultural societies. Therefore, this chapter sets the scene in the European Union. The general idea is that if the proposal is viable for the EU, *a fortiori* it will be viable for national states.

The proposal is built out of two main coordinates which converge, so to say, in the model of the 'reasonable citizen'. The first coordinate—already introduced—is that of the so-called thesis of continuity, proposed by Ronald Dworkin as an alternative against Rawls's 'thesis of discontinuity'. As we know, this holds that a political theory is a conception of justice that remains detached from all ethical conceptions of individual citizens. The conception of justice is not a 'true' conception but only one that can found an informed and voluntary agreement among citizens as free and equal persons. By contrast, the thesis of continuity objects to a sharp separation between ethics and politics: the way citizens' lives go matters also for politics. If a state has to care about the lives of its citizens, it cannot declare a full lack of commitment with the way their lives go. In my view, following a number of liberal perfectionist authors, it is possible to remain within liberalism even proposing some more content for a conception of the good. Dworkin tries to design a liberal ethics based on 'the model of challenge', that is the performance we make in our lives rather than on what we produce ('the model of impact') (Cf. Dworkin 1990). The proposal of the reasonable citizen takes a more substantial position on human flourishing and how this connects to the political level. As already mentioned, the 'way of the virtues' is an interpretation of reasonableness that gives some content to a political conception of the good that does not pre-empt individual freedom of choice.

The second coordinate is the republican view of citizenship which underpins the model by overcoming the 'thin conception of citizenship as rights'. This was expressed in the classical Marshall's theory and remains close to Rawls's views. The basic idea is that of rights as steps towards correcting social inequality. This view is conducive to the well-working of free market and, therefore, has enjoyed large consensus. What characterises this view is the passive role of citizens who only advance claims of freedom that the state should realise. I also consider the European Pillar of Social Rights (EPSR) as a further move in the direction of social equality for disadvantaged categories of citizens. However, we remain within the

thin conception insofar as the EPSR does not promote anything more than the passive role of citizens who want to receive social welfare from the state.

By contrast with the thin conception of citizenship I propose a *thick* conception that hinges specially on concepts such as ‘public duties’, ‘civic virtues’ and ‘political participation’. Altogether these ideas design an active role for citizens who take care of the well-functioning of their political institutions. Not only is this republican citizen aware that rights-claims have to be paralleled by duties to support political institutions, but he is also aware that a full commitment of his personal qualities—virtues—towards public purposes adds to his life a public dimension that can be well integrated with his personal flourishing. This is how the model of the reasonable citizen embodies the thesis of continuity.

Chapter 7 also remains within the political context of the EU. Here the model of the ‘reasonable citizen’ shows a more extensive potential both from a normative and from a descriptive point of view. On the first account, I advance the hypothesis that our model can play a role in subsuming some instances arising from common EU *ethos* and giving coordinates to respond to some right-wing populist pushes that are so common in EU national states. This move takes place by reading the ‘reasonable citizen’ through conservative lenses, on the one hand, and introducing a ‘qualified conservative view’ that does not stand too far away from the republican understanding of the reasonable citizen introduced in Chap. 6, on the other hand. Conservatism is qualified here with the thesis of continuity between ethics and politics and the idea that a reasonable citizen cares about the conditions of the good life of his society by endorsing a correct political arrangement.

On the second account, I want to show how a normative conservative proposal can be backed by the plausible assumption of a ‘transnational European civic ethos’ (TECE) already in place, which founds and substantiates the conservative proposal. The TECE is composed of a ‘democratic ethos’ and the legacy of a ‘genteel ethos’. Notwithstanding some degree of friction, these two components have some overlapping in values and virtues, as it is subsumed in the model of the reasonable citizen. In turn, the theoretical proposal designed by the normative and the descriptive account encounters the populist challenge by hypothesising that some of its main claims find vent in conservative values and policies. If TECE is a reality, at least to some extent, our conservative proposal based on the reasonable citizen may work also for the EU as a whole.

The political trajectory shown so far seems to incline straightforwardly towards a conservative perspective and away from liberalism. My next move here is to present a conciliatory proposal on reasonableness by which what has already emerged within Rawls’s TJ can take pride of place, aside from the conservative view. In order to carry forward this proposal we should consider how to dis-align Rawls’s liberalism to some extent from the principle of neutrality, allowing the space to strengthen a liberal ‘conception of the good’. The argument I develop in Chap. 8 tries to establish the grounds for a ‘virtue-based liberal perfectionism’ that, drawing on the contemporary debate between liberal neutralists and perfectionists, re-introduces the virtues as a category of goods so far mainly neglected in the theoretical context of liberal theory. The argument does not start from empty but is grounded on Rawls’s views on the virtues and self-respect as sketched in the third part of TJ. I contend

that a combined reading of Rawls' reflections on the virtues (political and social) in TJ and PL offers grounds for taking liberalism towards a more substantial understanding of the good (his 'full theory of the good' is an eloquent clue). Rawls's views seem also very compatible with Matthew Kramer's recent proposal of an *aspirational perfectionism*, 'which enhances the lives of individuals indirectly by improving the stature of their society directly' (Kramer 2015, 48). I propose to make some steps further in a direction that, to some extent, is foreign neither to Rawls nor to Kramer. A 'virtue-based-liberal-perfectionism' is, within certain constraints, a plausible proposal and does not locate at a distance from the qualified conservatism I have described, as based on the 'way of the virtues'. My conclusion is in favour of an enlarged understanding of Rawls's 'public reason' in which reasonableness does not hinge any more just on 'reciprocity' but, follows Von Wright, on everything that is concerned with 'the right way of living'. Is 'reasonable pluralism' endangered by this move towards Von Wright's proposal? I believe we can learn much from a crucial expression in Rawls's discourse in PL: 'the most reasonable for us' (PL, 28). He wants to emphasise that there are several political conceptions to be taken into consideration but 'we as a people' want a certain arrangement of political institutions that is congruent with our deeper understanding of ourselves and aspirations, in the light of our history and traditions (Rawls 1980). This arrangement is that of 'justice as fairness', including certain rights, liberties and opportunities, certain priorities among them and assuring all citizens adequate measures to make effective use of their liberties and opportunities (PL, XLVI).⁶ Now my contention, following Von Wright, is that what is most reasonable for us should also include a concern for what is conducive to the good life of each individual, in balance with his/her community and with the natural environment. The 'way of the virtues' as a spelling out of reasonableness retrieves a legacy of the Western civilisation that dates back at least to the ancient Greeks and is shared also by Islamic ethics and Confucian ethics. Liberals and conservatives need to preserve it alike both for ethical and for political reasons.

In concluding my inquiry on reasonableness, I want to go back to the environmental crisis as the empirical context where the opposition between two general visions of the place of man in the world comes to the most explicit showdown. On the one hand, the conjunction between the subjective conception of the good and instrumental rationality produces the view of natural goods as mere resources to exploit in order to satisfy human preferences. On the other hand, if we appeal to reasonableness within environmental virtue ethics (EVE), we can define a possible competitor against the former view that appears mainstream in contemporary culture. The plausibility of reasonableness appears clearly now in Chap. 9 because we are well aware from the previous discussion of the qualities of reasonableness as related to the direction of a life as a whole. While instrumental rationality shows its limits from the perspective of a human life in balance with the environment, it

⁶A reconstruction of 'the most reasonable for us' through Plato's allegory of the cave is offered by Alessandro Ferrara (2023, 45).

cannot get any further than proposing ‘remedies’ of limited impact on the environmental crisis because, for example, the idea of ‘sustainable development’, so much on the banners in our days, remains within the same theoretical premises of instrumental rationality. Notwithstanding the large debate generated by theories of inter-generational justice and sustainable development, they are all unable to redress the genetic flaw deriving from a subjective conception of the good based on individual preferences—even an idealised version does not seem to fare much better—in conjunction with the view of rationality that is unable to scrutinise preferences in relation to human flourishing. However, the turning point of the proposal from EVE is that of combining an idea of reasonableness operating within a conception of human function with an objectivist view of value, the ‘biocentric outlook’. In this perspective virtues such as temperance, humbleness and a qualified version of *philia*, among others, acquire a new dimension because they allow a non-conflictual way of interaction between human beings and nature.

In conclusion, reasonableness appears as a most relevant conceptual category to define the life of contemporary human beings. It appeals to their outstanding capacity, reason, but shows how its exercise must be a shared enterprise. Reasonableness is a ‘community concept’, particularly apt for conflict resolution and, therefore, of large employment in the legal field. But it also lends itself to the developmental/perfectionist interpretation that I have presented and that will unfold in the following chapters. If what is reasonable is what is conducive to our self-development, it also makes sense as a political push to conservative or liberal policies which sustain styles of life that have appeared successful through time. The reasonable attitude of mind appears mostly important with regard to environmental policies and, more generally, to human conduct towards nature. Learning styles of life which favour the conservation of nature requires some degree of reasonable self-restraint both at the individual and at the political level.

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