



WHY BE REASONABLE?

Many people behave unreasonably. Often they do so because they believe unreasonable things. Such people have advocates at the highest levels of government who exert continual efforts to allow and encourage unreasonable beliefs to be acted on, even when such behavior hurts other people. Invariably, it is said that this is claimed to be necessary for “religious freedom.”

At the same time, legal institutions of the civilized world – and to the degree that such institutions are civilized – recognize that an essential element – perhaps the essential element – of the law, and certainly of the law’s underlying concern with morality, is a personal responsibility to behave reasonably. The “reasonable person” is now one of the most well-known and pervasive “legal fictions.” The idea is that the standard of judging people’s behavior – in both civil and criminal matters – is by comparison to what a hypothetical “reasonable person” would do in like circumstances. This has not been as simple to apply as might be supposed though. For what is it to behave “reasonably?” Some have said that it provides an excuse for judges to apply their own discretion as “reasonable persons.” At other times, the idea has been equated with the idea of the “ordinary,” “average,” “typical” or “normal” person. This may be an easier standard – such people are easier to conceive of – but such people are not necessarily reasonable and may be quite unreasonable.

Another consideration is that the concept was first formulated as the “reasonable man.” This would arguably lead to injustice when the applicable standard should be that of the “reasonable woman,” as may happen in cases of sexual harassment and domestic violence. And should people of one culture be judged by the standards of a “reasonable person” of another culture? Should those with diminished capacity or limited experience be judged by a standard of the generic “reasonable person?” How far should such allowances and particularization go? If extended to making allowances

for personal idiosyncrasies and even unreasonable beliefs and attitudes it defeats the point and purpose of a uniform standard. The bigot is excused from invidious discrimination, parents are permitted to substitute prayer for necessary medical care of their children, the sexual predator is free to engage in sexual harassment and – why not? – even the murderer must be held blameless for “reasonably” obeying a divine command to kill.

“Religious freedom” is not a license to harm others because one holds unreasonable beliefs. One is free to believe in the absurd, of course, and even to hold that believing absurdities is made a virtue through “religious faith.” But one cannot be excused from behaving reasonably when it injures others. Indeed, in that case the very fact that one must hold beliefs “by faith” shows that they are unreasonable as no one holds a reasonable belief “by faith.” No less than the late Supreme Court Justice Antonin Scalia recognized the hazards of allowing anyone, at their discretion, to substitute unreason for the “common sense” of reason:

“To make an individual’s obligation to obey [the] law contingent upon the law’s coincidence with his religious beliefs, ... permitting him, by virtue of his beliefs, ‘to become a law unto himself,’ [Reynolds v. United States, 98 U.S. at 167] contradicts both constitutional tradition and common sense. ... [this] would be courting anarchy, but that danger increases in direct proportion to the society’s diversity of religious beliefs, and its determination to coerce or suppress none of them.” (1)

The idea of the “reasonable person” – that one’s obligations – moral and therefore, in principle, legal – amount to applying reason to the circumstances and not just mechanically following a myriad of rules is a true milestone of human progress. It goes back at least as far as Aristotle’s idea of the “reasonable man” and that “the law is reason, unaffected by desire.” (2) Curiously, it bears comparison

to Saint Paul's more obscure notion that one can be freed from the burdensome duty of adhering to the letter of a law made up of innumerable rituals (Old Testament Jewish Law) by substituting a general principle of regard and love for one's fellow human beings as preached by the New Testament gospels. Or, as Thomas Aquinas put it less confusedly:

"The law that is in us by nature is nothing else than the reasoning creature's sharing in the eternal law."(3)

Nothing there about "religious freedom" exceptions or even divine edicts!

But consider how Immanuel Kant expressed his view of the single standard of human behavior:

"Act only according to that maxim whereby you can, at the same time, will that it should become a universal law." (4)

Not even a mention of reason there, but, clearly, it requires massive reasoning to discern and apply this standard. It is one that everyone can agree should be exercised and applied in all circumstances. This lines up with reason as "the eternal law."

Why be reasonable then? Being reasonable is a legal obligation, at least when the law does not mistakenly excuse being unreasonable. Reason is the underlying principle of law, the opposite of arbitrary caprice or desire. We are not always reasonable – we cannot reason perfectly and consistently – but the more reasonable we are the better we can meet our moral obligations to others and, perhaps, in an important sense, to ourselves.

(1) Employment Division v Smith (1990) 494 U.S. 872

(2) Politics, Book III 1287a.32

(3) Summa Theologiae, in Thomas Aquinas Selected Philosophical Writings p 419 (Timothy McDermott trans., 1993)

(4) Grounding for the Metaphysics of Morals. Translated by Ellington, James W. (3rd ed.). Hackett. p 30

"Suppose, then, that there is some end of the things we pursue in our actions which we wish for because of itself, and because of which we wish for the other things; and we do not choose everything because of something else, since if we do, it will go on without limit, making desire empty and futile; then clearly this end will be the good, i.e., the final good." - Aristotle

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- www.meetup.com/church-of-freethought - JOIN THE NTCOF MEETUP GROUP !!!

Social Luncheon: Today, immediately after our Service, join us for lunch and discussion at the Jason's Deli on MacArthur Blvd just south of 635, at 7707 N MacArthur Blvd, phone (972) 432-0555.

Freethought Salon: Discuss today's service topic or other conundrums of interest. It happens most non-first Sundays of the month, over breakfast, at the Hilton DFW Lakes Hotel restaurant "The Vineyard" - inside the hotel - in Grapevine beginning 10:30 AM.

Game Night: Nearly every Friday night at the IHOP on 2310 Stemmons Trail (I-35), near Northwest Highway (Loop 12). Plan to arrive at about 7:30 PM, and stay late playing Le Havre, Carcassonne, and other fun games!

Have Another Idea? Email or call! Read bulletins & presentations and post on the FORUM at www.churchoffreethought.org LIKE US at www.facebook.com/northtexaschurchoffreethought/ and sign up for our Twitter feed at twitter.com/ntcof !

PLANNED FOR NEXT MONTH:

"MIRACLES"

> Sunday, April 2, 2017 <

COMFORT INN DFW AIRPORT NORTH
 (Take the Freeport Parkway exit, then the frontage road east just past Best Western; service starts at 10:30 but come early for coffee, snacks - you can bring some! -

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