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RESEARCH ARTICLE

THE IDEA OF PRACTICAL REASONABLENESS.

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Abstract

The idea of practical reasonableness has been developed by John Finnis as one of the seven basic goods. The other basic goods are pursued with the help of this good. All these goods are objective goods which are self evident and they are not questionable. In order to know whether our decisions are practically reasonable or not Finnis has given nine requirements of practical reasonableness. These nine requirements are-coherent plan of life, non arbitrariness in the preference among values, non arbitrariness among persons, detachment, commitment, limited relevance of consequences, equal value to all the basic goods, following one's conscience. John Finnis is also against consequentialism or utilitarianism. This project therefore tries to study the idea of practical reasonableness as put forward by Finnis.

Aim and Objective: To study the idea of practical reasonableness put forwards by John Finnis.

Research Questions:-

- What is the idea of practical reasonableness?
- What are the requirements of practical reasonableness?
- How did Finnis criticized consequentialism?

Scope and Limitation: The scope of the project is limited to the idea of practical reasonableness of John Finnis.

Review of Literature John Finnis, *Natural Law & Natural Rights*(Paul Craig, 2nd Edition Oxford University Press 2011)

This book is the seminal work of John Finnis where he has discussed in detail his ideas of practical reasonableness. Practical reasonableness according to him is one through which we pursue the other basic goods. In his book he talks about the seven basic goods and practical reasonableness is one of them. He has listed down nine requirements of practical reasonableness. Through these requirements we can actually know if our decisions are practically reasonable or not. According to him consequentialists are not practically reasonable. They always talks about maximizing the net goodness but according to Finnis its not possible. Again what is good for one might be different for others.

Conor O' Mahony, ' The Failings of Practical Reasonableness: Another Look at John Finnis' (*Cork Online Law Review* 2002)

<http://www.corkonlinelawreview.com/editions/2002/2002-5.pdf>
 accessed 10 October 2016

This article provides a critique to Finnis's idea of practical reasonableness. The author has criticized Finnis of giving more importance to practical reasonableness than other goods.

Research Methodology: The type of research is qualitative and doctrinal. Secondary sources are taken help of. Websites, blogs and books are taken help of to make the project.

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Introduction:-

Practical reasonableness is an idea developed by John Finnis while he discussed about the seven basic goods of human life. John Finnis is an Australian legal scholar and currently he is a professor at the University of Oxford. In his work *Natural Law and Natural Rights* he talks about the seven basic goods of human life.¹ He classified the seven basic goods of human life into Life, Knowledge, Play, Aesthetic experience, Sociability (friendship), Practical reasonableness and Religion. According to Finnis these seven basic goods are independent of human thought and to flourish as human beings we need these goods. They are universal and apply to all humans at all times.² These basic goods or values are objective and we will be able to know them through introspection. These goods are self evident. We can participate in practical reasonableness by participation in the other basic goods by prioritizing one project over another or one commitment over another.³ These basic goods are irreducible. Basic values are not the same as basic human urges. Individuals have urges or inclinations, but a value is something that a person thinks is worthwhile to pursue independent of any urge. I have an urge to gain knowledge, but I also think that the pursuit of knowledge is worthwhile.⁴ Practical reasonableness is the type of reasoning that we use to make decisions about how to act and how to order our lives. Now some classical exponents of the theories of natural law might say that a person with experience, and a desire for reasonableness will only be able to decide which decisions are practically reasonable. Even Aquinas mentioned that there are certain self evident goods which can be understood only by those who have experience and in fact the moral principles like the Ten Commandments are inferred from the primary self evident goods. Therefore thinkers like Aristotle might think that what is morally good or practically reasonable can be understood only by those who have good habits, right minded but there is a problem that arises here regarding the people who really want to know if their decisions are practically reasonable or not. Therefore for this there are certain methods to practical reasonableness. These are certain requirements that tell a person what one must do to arrive at the basic good of practical reasonableness. Therefore one who follows all these requirements are Aristotle's phronimas and has Aquinas's prudential. Thus, speaking very summarily, we could say that the requirements to which we now turn express the 'natural law method' of working out the (moral) 'natural law' from the first (pre-moral) 'principles of natural law'.⁵

Requirements of Practical Reasonableness:-

There are nine requirements of practical reasonableness. The first requirement of practical reasonableness is coherent plan of life. One should not live their life from moment to moment but they should see their life as a whole. Commitment to one specific project or another requires direction and control of impulses and with that it also requires the abandonment or adoption of projects according to circumstances, formation of new habits and the redirection of inclinations. This means the harmonizing of all of one's deep commitments. Since human life is in fact subject to all manner of unforeseeable contingencies, this effort to 'see' our life as one whole is a rational effort only if it remains on the level of general commitments, and the harmonizing of them. Since forever it has been said that one should always remember his/her last day while doing something. It basically is said to help people to choose their proper perspective of life at present. Finnis takes the help of a Christian parable from Luke 12:20 "But

¹ Hugh McCarthy, 'A Summary of John Finnis's Theory of Natural Law' (High McCarty's ASC Blog) <https://hughmccarthylawscienceasc.wordpress.com/2015/01/03/a-summary-of-john-finnis-theory-of-natural-law/> accessed on 19 October 2016

² John Finnis- *Natural Law*- a quick summary <http://drmyrawilliamson.com/lectures/johnfinnis.pdf> accessed on 19 October 2016

³ John Finnis, *Natural Law & Natural Rights* (Paul Craig, 2nd Edition Oxford University Press 2011)

⁴ Suri Ratnapala, *Jurisprudence* (ISBN-13 978-0-511-59483-0 2009, Cambridge University Press)

⁵ John Finnis, *Natural Law & Natural Rights* (Paul Craig, 2nd Edition Oxford University Press 2011)

God said to him, 'You fool! This very night your life will be demanded from you. Then who will get what you have prepared for yourself?' This means that the person who has all the riches but only with a view to drinking and eating them up, if his life is taken away by god on that day or that moment itself then who will use that wealth or how will his wealth be utilized, none of this will put meaning to his life.⁶

The second requirement is that there should be no arbitrary preferences among the values. For a coherent plan of life it is natural people may prioritise one basic human value over another. But this prioritization should not be arbitrary. The commitment will be rational only if it is on the basis of one's assessment of one's capacities, circumstances, and even of one's tastes. A person should not undervalue one good than another or overvalue one good than another. One may have no taste or capacity for friendship or life but they cannot say that they are not real forms of good. Finnis is against the thin theory of good propounded by John Rawls. According to Rawls liberty, opportunity, wealth and respect are the primary goods and one should not really accord much value to truth, art, friendship etc. Rawls also doesn't give any satisfactory reasons for such discrimination. According to Finnis it is unreasonable for one be it teachers, statesmen or parents to think that play, truth etc. have no value and never ask oneself whether in their plan of life they could make reasonable allowance to participate in such values or not, then one can be properly accused both of irrationality and of stunting or mutilating oneself and those in one's care.⁷

The third requirement is that there should be no arbitrary preference among persons. There should be fundamental impartiality among the human subjects who are or may be partakers of those goods. My own well being is my first interest or claim. And this self preference is because it's through my determined self realization and self participation that I will be able to do what reasonableness requires and realize the other forms of basic goods.⁸ However this third requirement is against selfishness, double standards, hypocrisy or indifference to the good of others whom one could easily help. In fact so much so that many have sought to found ethics virtually entirely on this principle of impartiality between persons. One should not treat one the way in which he doesn't want the other person to treat him/her. One should always put oneself in the shoes of others and should prevent others from achieving something which he/she wants for themselves. Not following these requirements of reason means arbitrariness and reasonableness on our part.⁹

However reasonable self preference is there but there are some bounds. But what are these bounds? In Christian, Greek and Roman law they adopted the heuristic device of approaching this question by adopting a viewpoint of the standards of justice, the principles of justice of the one who has the interest of everyone at heart and mind, a person who is an ideal observer. Such a person will allow some form of self preference but not all. It also helps one to make impartial decision in terms of life preferences. However it does not suggest impartiality about the basic aspects of human good. It does not authorize one to set aside the second requirement of practical reason by indifference to death and disease, by preferring trash to art etc. In Rawls's theory of original position he talks about the veil of ignorance. In such a situation the individual without any knowledge of his identity or any knowledge whatsoever will always choose a principle of justice which is fair. Thus Rawls's heuristic device is of help for the third requirement. the fact that a principle chosen in the Original Position would be unbiased and fair as between individuals, that a principle which would not be chosen in the Original Position must be unfair or not a proper principle of justice in the real world. For in the real world, as Rawls himself admits, intelligence can discern intrinsic basic values and their contraries. Provided we make the distinctions between basic practical principles and mere matters of taste, inclination, ability, etc., we are able (and are required in reason) to favour the basic forms of good and to avoid and discourage their contraries. In doing so we are showing no improper favour to individuals as such, no unreasonable 'respect of persons', no egoistic or group bias, no partiality opposed to the Golden Rule or to any other aspect of this third requirement of practical reason.¹⁰

The fourth and the fifth requirement are somewhat related. The fourth requirement is detachment. One should not take up an attitude towards one particular objective so that when the specific project fails one would consider one's life drained. Such an attitude renders the basic human good of self determination in which a person participates simply because he wants to do something sensible, whether or not that particular project comes to bear any fruit. We

⁶ John Finnis, *Natural Law & Natural Rights*(Paul Craig, 2nd Edition Oxford University Press 2011)

⁷ John Finnis, *Natural Law & Natural Rights*(Paul Craig, 2nd Edition Oxford University Press 2011)

⁸ John Finnis, *Natural Law & Natural Rights*(Paul Craig, 2nd Edition Oxford University Press 2011)

⁹ John Finnis, *Natural Law & Natural Rights*(Paul Craig, 2nd Edition Oxford University Press 2011)

¹⁰ John Finnis, *Natural Law & Natural Rights*(Paul Craig, 2nd Edition Oxford University Press 2011)

should be able to detach ourselves from one particular project. Unconditional significance to one particular project should be avoided. Succumbing to such temptations have also the evil consequences of fanaticism.¹¹

The fifth requirement is after making a commitment one should not abandon that. And this requirement of fidelity has a positive aspect. One should be looking creatively for new and better ways of carrying out one's commitments, rather than restricting one's horizon and one's effort to the projects, methods, and routines with which one is familiar. Such creativity and development shows that a person, or a society, is really living on the level of practical principle, not merely on the level of conventional rules of conduct, rules of thumb, rules of method, etc.

The sixth requirement is that one should calculate and plan one's actions so that they are the most efficient (in a utilitarian sense) and do the most good.¹²

The seventh requirement is one should never commit an act that directly harms a basic good, even if it will indirectly benefit a different basic good. For example, one should not kill even if it will indirectly save more lives later.¹³ To pick a demonstration which in itself essentially (or fundamentally) harms a fundamental great is in this way to draw in oneself pell mell (however straightforwardly) in a demonstration of resistance to an incommensurable esteem (an angle of human identity) which one regards as though it were a protest of quantifiable worth that could be exceeded by commensurable objects of more noteworthy (or aggregately more prominent) worth. To do this will regularly accord with our emotions, our liberality, our sensitivity, and with our responsibilities and activities in the structures in which we attempted them. In any case, it can never be defended in reason. We should pick reasonably (and this sane judgment can regularly advance a move in our point of view and therefore a realignment of beginning emotions and hence of our responsibilities and ventures).¹⁴ Reason requires that each essential esteem be at any rate regarded in every last activity. In the event that one would ever properly pick a solitary demonstration which itself harms and itself does not advance some essential great, then one could properly pick entire projects and establishments and ventures that themselves harm and don't advance essential angles of human prosperity, for their 'net useful outcomes'. Presently we have as of now observed that results, even to the degree that they can be 'predicted as certain', can't be commensurably assessed, which implies that 'net advantageous outcomes' is a truly ludicrous general goal or model. It just stays to take note of that in the event that one imagines that one's discerning duty to be continually doing and seeking after great is fulfilled by a promise to act dependably for best results, one treats each part of human identity (and without a doubt, subsequently, regards oneself) as an utensil. One holds oneself prepared to do anything (and in this manner makes oneself a device for every one of those ready to undermine adequately terrible outcomes on the off chance that one does not participate with them).

The eighth requirement is that one should look after the common good of the community.

The ninth requirement is that one should always follow their conscience and practical reason. If one is generous, open minded towards the basic human goods by inclinations then one would be able to make their practical judgments without any abstract reasoning. The first theorist to formulate this ninth requirement in all its unconditional strictness seems to have been Thomas Aquinas, if one chooses to do what one judges to be in the last analysis unreasonable, or if one chooses not to do what one judges to be in the last analysis required by reason, then one's choice is unreasonable (wrongful), however erroneous one's judgments of conscience may happen to be. (A logically necessary feature of such a situation is, of course, that one is ignorant of one's mistake. Even if our conscience brings about wrong judgments it should be followed.¹⁵

Practical Reasonableness and Consequentialism:-

The sixth requirement of practical reasonableness is the limited relevance of consequences. There is a wide range of contexts in which it is possible and only reasonable to calculate, measure, compare, weigh, and assess the consequences of alternative decisions. Where a choice must be made it is reasonable to prefer human good to the

¹¹ John Finnis, *Natural Law & Natural Rights*(Paul Craig, 2nd Edition Oxford University Press 2011)

¹²Hugh McCarthy, 'A Summary of John Finnis's Theory of Natural Law' (High McCarthy's ASC Blog)
<https://hughmccarthylawscienceasc.wordpress.com/2015/01/03/a-summary-of-john-finniss-theory-of-natural-law/>
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¹³ Hugh McCarthy, 'A Summary of John Finnis's Theory of Natural Law' (High McCarthy's ASC Blog)
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¹⁴ John Finnis, *Natural Law & Natural Rights*(Paul Craig, 2nd Edition Oxford University Press 2011)

¹⁵ John Finnis, *Natural Law & Natural Rights*(Paul Craig, 2nd Edition Oxford University Press 2011)

good of animals. Where a choice must be made it is reasonable to prefer basic human goods (such as life) to merely instrumental goods (such as property). Where damage is inevitable, it is reasonable to prefer stunning to wounding, wounding to maiming, maiming to death: i.e. lesser rather than greater damage to one-and-the-same basic good in one-and-the-same instantiation. Where one way of participating in a human good includes both all the good aspects and effects of its alternative, and more, it is reasonable to prefer that way: a remedy that both relieves pain and heals is to be preferred to the one that merely relieves pain. However sixth requirement is only one requirement among all the requirements. We should also take into account the first, second, third requirements which clearly say that one cannot arbitrarily prefer one value to another or one person to another. Again the seventh and eight requirement excludes acts such as fraud, intentional killing etc. We cannot measure the utility of one basic good over another. Finnis is against the utilitarian or consequentialist approach. Consequentialism is irrational for him as it requires one to choose an act that maximizes the net good. But for him we cannot find out the 'best consequences'. If consequentialism has to work then (a) human beings have to have some single, well-defined goal or function (a 'dominant end'), or (b) the differing goals which men in fact pursue should have some common factor, such as 'satisfaction of desire'. However only a fanatic will think that human being has only one purpose. Consequentialism doesn't give any reason why we have to choose altruism over egoism. The consequentialist have not given any proper reason as to why they should criticize those who try to maximize their own happiness as unreasonable. Finnis considered the example where a hostage taker demands that a named individual be killed in exchange for the release of the hostages, who otherwise would themselves be killed. He seemed to assume that in this situation, the consequentialist would say that killing the individual is justified as it saves many lives. Finnis called this a senseless argument, and surely it is. He contended that the release of the hostages is one consequence among a multitude of incommensurable consequences of the act of killing. Finnis said that the calculus 'one life versus many' is naively arbitrary.¹⁶ Again, consequentialist method enjoins us to make the choice that would produce greater net good than could be expected to be produced by any alternative choice. But the alternatives that are in fact 'open' or 'available' to one are innumerable. A genuine consequentialist assessment of alternative possibilities could never end, and could begin anywhere. So it should never begin at all, in reason.¹⁷

Criticisms to Finnis's Idea of Practical Reasonableness:-

Practical reasonableness is the good through which people pursue the other forms of basic human goods. All these goods are said to be objective. Because if practical reasonableness is subjective then everyone will have their own interpretation of what is good or bad. But in the ninth requirement of practical reasonableness, Finnis talks about that everyone should follow their conscience. Now for example whatever Hitler did during his dictatorship for him it might be for practically reasonable or his conscience urged him to do so and if we go by Finnis's theory then Hitler has done no wrong as he simply followed his conscience. So it's better if practical reasonableness is treated as an objective concept rather than a subjective one.¹⁸

Again everyone has a different reason so whose idea of practical reasonableness Finnis is talking about is not clear. And this might give an additional advantage to the powerful class to exert their influence through their practical reason.

Again through practical reasonableness we can pursue the other goods. Therefore it seems that he gives more importance to this good, on the other hand he says that all the goods are equal. But he contradicts his own view when practical reasonableness becomes both the ends and the means. Furthermore, Finnis himself suggests as much by stating that despite being free to choose which of the Basic Goods we choose to pursue and which to ignore, we have no good reason to leave Practical Reasonableness out of account. Thus from this we can infer that all goods are equal but some are more equal than others.¹⁹

Conclusion:-

Presently we can see why a few thinkers have found the substance of "ethical quality" in the diminishment of mischief, others in the expansion of prosperity, some in social agreement, some in universalizability of down to

¹⁶ Suri Ratnapala, *Jurisprudence* (ISBN-13 978-0-511-59483-0 2009, Cambridge University Press)

¹⁷ John Finnis, *Natural Law & Natural Rights* (Paul Craig, 2nd Edition Oxford University Press 2011)

¹⁸ Conor O' Mahony, 'The Failings of Practical Reasonableness: Another Look at John Finnis' (*Cork Online Law Review* 2002) <http://www.corkonlinelawreview.com/editions/2002/2002-5.pdf> accessed 10 October 2016

¹⁹ Conor O' Mahony, 'The Failings of Practical Reasonableness: Another Look at John Finnis' (*Cork Online Law Review* 2002) <http://www.corkonlinelawreview.com/editions/2002/2002-5.pdf> accessed 10 October 2016

earth judgment, some in the inside and out prospering of the person, others in the safeguarding of flexibility and individual credibility. Each of these has a place in sound selection of responsibilities, activities, and specific activities. Each, in addition, adds to the sense, hugeness, and compel of terms, for example, 'moral', '[morally] should', and 'right'; not each one of the nine necessities has an immediate part in each ethical judgment, yet some ethical judgments do total up the course of each and the greater part of the nine on the inquiries in hand, and each ethical judgment totals up the course of one or a greater amount of the prerequisites.²⁰

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