

THE REASONABLE PERSON AS MACINTYREAN CHARACTER: STANDARDIZED MORAL COMPETENCE IN MODERNITY

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Prevailing communitarian interpretations of modernity focus on the individual will as an appetitive organ. The orthodox Kantian view, however, is more complex. In Immanuel Kant's view it represents a convergence of certain anthropological, sociological, physical, and psychological facts. That convergence is also captured normatively by reasonableness cognates in the American legal system. Benjamin C. Zipursky shows, through private law, that Americans are bound to moderation-in-action and mutuality-in-personhood. With that in view, the common law tracks Kant's requirements for validity in willing, supplying citizens a shared impersonal standard of conduct grounded in moral competence. The ethico-juridical embodiment of that standard—the

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reasonable person and their use of reasonable care—represents a challenge to the communitarian critique of modernity. It highlights the self-defeating nature of communitarian attempts to restore moral standards by subverting the state. Insofar as the state secures the jurisdiction of private law, communitarian efforts to attack the state simultaneously undermine the standards communitarians wish to restore. This Article will illustrate this principle through the literary analytic of Alasdair MacIntyre by applying it to right-wing politics in America.