section. That was the last time the conference was held in Leeds, under the Presidency of John Bell. Although the restitution section had something of a reputation at the time, like many others I found the Society to be a welcoming and supportive environment and an excellent way to meet scholars at all levels and in all areas of the law. I was hooked basically and after I obtained my first academic appointment at the University of East Anglia (where we will be going for the 2026 conference) in 2001 went pretty much every year if I could. That involvement led into other things. I was council representative for UEA from 2006 until my departure for my current post at the University of Leeds in 2016. I was restitution section convenor from 2011–2015. I have been an ordinary member of Executive and Honorary Membership Secretary as well as on the Society's Research Committee.

Legal academia has changed much over the years. For example, there has been a much greater institutional focus, in part, but not exclusively, driven by the REF, on interdisciplinarity, 'challenge-led' research and impact on the 'research user'. Yet none of us want – or have ever wanted – our research to disappear into the aether unnoticed. We all want to make a difference, or why are we bothering? Increasingly, this is best – or only – done by engagement with other disciplines and with those research users at an early stage. We will pick up threads of discussion about these topics from both the Bristol and Oxford Brookes' conferences in the plenary sessions at the Leeds conference. The conference has no particular theme, however, and I hope this will enable you to be imaginative in the ways you approach the diverse topics of our common subject of law.

In Bristol the Society trialled a three-day conference. We will continue this format next year, but, mindful of current pressures, will monitor the costs of the conference and support attendance for those with special circumstances or financial hardship through the Additional Support Fund.

I hope to welcome as many of you as possible to Leeds in September 2025 but of course there are many other ways for you to get involved and I would encourage you to do so. It is, as others have said, your society. You make it and I look forward to working with you over the coming year.

Professor Duncan Sheehan
President, Society of Legal Scholars (2024/2025)

Book Discussion with Valentin Jeutner, Associate Professor in Law (Lund) and Author of *The Reasonable Person* (CUP, 2024)

Ruvi: What prompted you to write a book about the reasonable person?

Valentin: Primarily curiosity. I had not come across the concept of the reasonable person before coming to the UK as an undergraduate law student. I was intrigued by it. I wondered, who is this person? But eventually, of course, you just go over into the routine of being a law student and you just apply it. I began using the concept, as most do, I think, as shorthand for reasonableness. But the question of who this person is and what exactly their function is stuck with me. Several years after completing my degree, I decided to return to this figure and take them seriously as a person and see how far that gets me.

Ruvi: You referenced the UK and coming to study here where you have come across certain prevalent concepts. Reading the Introduction, I was struck by your noting that, in the UK alone, lawmakers have referred to the reasonable person in more than 250 statutes and judges have used it in over 10,000 cases; this is a remarkable figure, but also, I imagine, quite different to other jurisdictions. So that invites the question of why you, as a German who lives and works in Sweden, decided to write on something that ultimately is, or starts at least as, a British or perhaps even English concept?

Valentin: One reason is that I grew up as a lawyer in the common law world, so I do have a connection to the figure, or rather the figure played a significant part in my legal life. But what the figure helps us do, namely, to judge others, is a question that is of universal concern, of concern to the common law world, of course,

but also to other legal families. It is a very interesting way of judging others, I think, to pose the question in the way the common law poses it, to refer to an imaginary person, to enlist one's imagination, but also to invite us to take another's perspective by means of empathy, as I argue in the book. That is a phenomenon of general interest. And it is a phenomenon that can inspire the world of civil law which has some comparable figures, the *bonus pater familias* and various equivalents in different national civil law jurisdictions, for example, though none of them are as universally used as the common law's reasonable person.

Ruvi: Another feature of the book is that you frame it as a legal biography. And at the same time, you are saying it is not a biography of a political leader or a journalist or a musician. It is a biography, ultimately, of something that is imaginary. It does not exist in real life, we cannot touch it. Why did you decide to frame the book as a legal biography about an imaginary figure?

Valentin: I chose the format of a biography in order to communicate that the concept of the reasonable person has a time, a place and a life, or maybe in the reverse order, it has a life, and that means it has a place and time. These aspects are important because they communicate that the concept refers to a person and not to an objective truth. Objective truth does not have a life and it doesn't have a time and a place. You deduce it – depending on who you are – from nature, from reason, from holy scriptures. But to refer to a person means to take into consideration that the standard you refer to is situated somewhere at some point in time. And that is important for understanding how that concept works. So one reason for framing the book as a biography was to contextualise the concept, to enrich it in some way, and complicate it thereby also. The other reason was to communicate that it is a human standard. It actually relates to a human creature, not a perfect being. The standard is not just not objective, but a human one. That means it's by definition imperfect, because humans are imperfect. That is a humbling and sobering thing to take into account when we judge others, because it's so tempting, when judging others, to be judgmental or to be self-righteous, or to feel better somehow than the ones you are judging. By invoking this kind of human standard, I hope, ideally, one is reminded of the shared humanity that the judge and the one being judged both have in common.

Ruvi: I think that takes us quite neatly to your core arguments. In the Conclusion, you state that the reasonable person is always someone else. I suppose the question is, what is ultimately the most important thing that for you is the takeaway from the book?

Valentin: You captured one of the most important takeaways quite well, namely that the reasonable person is not us or any specific person but, most importantly, someone else. When we apply the standard, we invite an extra perspective into the analysis. I think that is the key takeaway. And also, maybe slightly more controversially, that the most important part of the concept is the person-part and not the reasonableness-part. Conventionally, one focuses on reasonableness and what it means, or ordinariness, or diligence, and that's, of course, important. But especially when one compares how the common law asks these questions to civil jurisdictions, it is the person that sets it apart and not reasonableness; it is the fact that we have a human, imperfect, personified standard.

Ruvi: That is an interesting and important emphasis. Another observation in the book that may be worth mentioning is that the reasonable person's perspective, the voice, the views, the thoughts, are always mediated by a human judge. And you say that process of mediating, calibrating, assessing is necessarily informed by the judge's identity. Does that mean that the standard is inherently subjective?

Valentin: Yes, at least to some extent. It is unavoidably the case that judgments we make as humans are coloured by who we are. That is the case whether or not you deploy the concept of the reasonable person when making a judgment. Even if I were Immanuel Kant and applied objective truth, I would not be able to avoid that the judgement I am making is coloured by who I am, or that the very norms I seek to apply are norms that I deem relevant. But what the reasonable person standard does is to make that apparent. The standard is often criticised for reflecting subjective preferences or biases. It's of course true that the concept can do that, and that there's a risk that it does that. But I do not think, the reasonable person standard exacerbates biases, it just makes them apparent. If you look at the colonial courts, where the British colonisers applied the standard and said, 'the reasonable person is a man on the streets of England', the concept of the reasonable person makes the absurdity of measuring the conduct of someone who lives in Malawi by referring to a man in England apparent. So the standard is subjective, but not more than other concepts that we use when judging others.

Ruvi: Have you considered how technological progress and, in particular, artificial intelligence might amplify the biases related to the way in which the concept of the reasonable person is applied?

Valentin: Yes, I discuss this question in the last chapter, entitled 'The Reasonable Person in the Future', where I try to relate the concept to the ongoing digital revolution. If one could code reasonableness into algorithms, and to the extent that technology acts on behalf of humans, one could probably apply the reasonable standard to conduct carried out by machines. What you're then essentially asking is not, was this algorithm reasonable? But: Were the people who programmed it reasonable? That is not a categorical shift. But it would be different, of course, if you have algorithms that act more or less unsupervised or train themselves to learn certain behaviour. Here it becomes more difficult, because if the idea is that the reasonable person standard invites us to empathise with another human, it will be difficult as a human to empathise with or to take the perspective of a machine. Maybe you could have standards like the reasonable robot that could work in some other way. But the reasonable person standard is limited to being used for humans who judge other humans.

Ruvi: That is a really helpful distinction between machines that operate on behalf of humans and machines that kind of go on their own route. We have touched on the following question already when engaging with the issue of biases, but I wanted to ask explicitly: to what extent has the reasonable person, or, historically, the reasonable man, has evolved to accommodate different persons, whatever their gender, sexuality, ethnicity, or nationality?

Valentin: Yes, it has evolved, and if applied accurately, as a standard anchored to common sense – the sense of the common – it must change as the common changes, or as the composition of the common changes. In a very homogeneous society, if that ever existed, the standard reflects that homogeneity. In a legal system that only recognises legal personhood of some people, the standard will reflect that circumstance. But in societies that are more diverse or in legal settings that recognise and respect the different features, identities, characters, orientations, backgrounds of people, the standard will reflect those features. The standard is not itself a substantive champion for progress or reform or tolerance, except to the extent that it reminds us that our perspective is only one of many. It is not a standard that would necessarily be able to promote human rights in a dictatorship or LGBTQ rights in nineteenth-century England. But it can certainly be used, and ought to be used, to remind us that our judgments are imperfect judgments and that we have to make an effort to relate to the perspectives of others.

Ruvi: In a way, the standard does not invite us to discover some truth that is out there at the moment but to relate to our contemporary standards and understandings of humanity and rights, and that, as you say, differs across periods of time, but it also differs across society. So, in a way, it cannot, almost by nature, be fully universal.

Valentin: Yes, and the standard cannot get ahead of the society within which it is deployed. But what is universal about it, is the reminder that our perspective is always just one of many.

Ruvi: A question that I imagine positivist lawyers might ask is whether it is a problem that we are introducing a concept to law that by definition is not codified? Is it desirable to have a concept, like the reasonable person, that is so uncertain in law?

Valentin: At the outset it is important to remember that we apply the concept within a network of existing, codified legal norms and precedent. We are not applying the concept in a legal vacuum, or as we would maybe apply it in conversations or in philosophy, where you have slightly more flexibility. It is only very specific types of questions that we answer by referring to the reasonable person. They tend to be questions that relate to the common sense, the sense of the common, whose legitimacy or whose answers depend on being tied to a sense of justice or fairness within the demos, the polis, the group of people that we are embedded in. It is important to leave some openness in the legal system and not to rigidly codify it. One reason is simply that it is difficult to pre-empt or anticipate all of the eventualities of life, but it is also a way of keeping the legal system dynamic, because it allows it to respond to something previously not recognised. And to that extent the concept of the reasonable person can be a vehicle of change, a soft one, a humble one. It will not bring about revolution overnight. But it does allow judges to say: 'we now live in a climate where certain previously held convictions about morality, or what we deem acceptable in terms of freedom of expression, have been superseded by new notions. The new reasonable person thinks about these things differently'. Giving judges this option is important not just for the people involved in a particular case but

also for the legal system as a whole. It protects the system's authority because it keeps it connected to the people whose lives it's meant to govern.

Ruvi: That takes us to the topic that we mentioned at the outset, which is that the book does not just travel through different periods and does not just survey different jurisdictions and places, but it also considers how the reasonable person is assessed or appraised in different areas of law, which we often think of as quite siloed. When you try to identify a concept across those different periods of time, different jurisdictions, and different areas of law, is there a risk of missing the specialised features? Is there a risk of trying to apply a one-size-fits-all formula to a concept that is applied differently, particularly in different specialised areas?

Valentin: Yes, absolutely. You cannot do justice to the specific characteristics of the figure in all of the different fields by writing a book of this kind. And my attempt is not to displace those specialised characters or to present the protagonist of my book as the actual, the true reasonable person that is operating in contract law or tort or criminal law. My aim is rather to complement the existing studies, of which there are many, with an overarching narrative that tries to tie these figures together to the extent that they can be tied together. And I want to be careful not to overstate my claims. That is why I limited myself to those core observations that we mentioned at the beginning that are really the only generalizable ones about this figure. But I think that, in order to understand what this figure does and what the essence is of the concept, one has to study the figure at different times, places and jurisdictions. Only then can we start seeing the constant, the essence that does not change.

Ruvi: Who do you think should read this monograph? Do you have in mind lawyers who would use it to navigate a specific area of law? Students? Other academics? Or the general public?

Valentin: I had an ambition to write the book in a sufficiently accessible manner that a large group or diverse group of people might find it enjoyable to read. That broad focus comes at a cost, of course. It is not written in the style of a conventional legal history book, or a monograph on the law of war or on law and AI. But I consciously decided to subordinate the specific disciplinary preferences and interests to the interest of writing a book that can be read by a diverse group of people. Maybe closest to my heart when writing the book were the students, the law students that encounter this concept. During my years as an undergraduate law student, we did not really problematise the concept; it was assumed that one kind of knew what this concept is about. And over time, one also does develop a sense of what the concept is about. But I hope that the book helps law students get an idea of the immense potential of the common law to bring about fair judgments, and also what the 'common' in the common law refers to, because the reasonable person is an integral part of the common, of the common law. Apart from the students, judges would, of course, be an important group of readers because they apply the concept and, depending on the legal setting, the members of juries. They are the ones who operationalize the principle in a way that has very tangible consequences for people's life. Sometimes questions of life and death are decided by means of the standard. I wanted to communicate to those employing the standard, but also to all of us, that the standard of the reasonable person is ultimately about accepting that truth is co-owned. As I note in the Introduction, while we must judge – otherwise human society would not work – we must remember that when we do judge, we remain human. We respect the dignity of those we judge, and we remember that we're all engaged in the same kind of quest of living a meaningful life to the extent that is possible in this world that we live in.

Ruvi: I suppose that is where your notion of empathy comes in. I think, in a way, you would want students and others to discover or to rediscover the concept through this book. My final question is whether, when you went about researching and writing the book, you made any unexpected or surprising discoveries?

Valentin: Yes, one discovery was that the practice of judging others by reference to hypothetical persons appears to be a phenomenon that we can find across time and space. I wanted to make a point by starting in ancient Egypt, and not, as one conventionally does, in ancient Greece and Rome, to communicate that this practice transcends the boundaries of Western Europe, or of the Western European families of law. I intentionally set out to study ancient Egyptian law, without knowing if there is anything to find. But once I started looking, I found something (the *geru maa*). You could do the same for other families of law. For that reason, the book is also of interest to people who do not have a common law background.

Ruvi: Thank you for sharing your thoughts with the SLS readership. It is much appreciated.