REASONABLENESS AND LAW

Edited by

GIORGIO BONGIOVANNI
University of Bologna,
Italy

GIOVANNI SARTOR
University of Bologna,
Italy
European University Institute,
Italy

CHIARA VALENTINI
European University Institute,
Italy

Springer
# Contents

<table>
<thead>
<tr>
<th>Contributors</th>
<th>ix</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>xi</td>
</tr>
<tr>
<td>Part I Legal, Political and Constitutional Theory</td>
<td></td>
</tr>
<tr>
<td>a. The Reasonableness of the Law</td>
<td></td>
</tr>
<tr>
<td>The Reasonableness of Law</td>
<td>5</td>
</tr>
<tr>
<td>Robert Alexy</td>
<td></td>
</tr>
<tr>
<td>A Sufficientist Approach to Reasonableness in Legal Decision-Making and Judicial Review</td>
<td>17</td>
</tr>
<tr>
<td>Giovanni Sartor</td>
<td></td>
</tr>
<tr>
<td>Reasonableness, Common Sense, and Science</td>
<td>69</td>
</tr>
<tr>
<td>Alberto Artosi</td>
<td></td>
</tr>
<tr>
<td>b. The Moral and Political Dimension of Reasonableness</td>
<td></td>
</tr>
<tr>
<td>Reciprocity, Balancing and Proportionality: Rawls and Habermas on Moral and Political Reasonableness</td>
<td>81</td>
</tr>
<tr>
<td>Giorgio Bongiovanni and Chiara Valentini</td>
<td></td>
</tr>
<tr>
<td>Law, Liberty and Reason</td>
<td>109</td>
</tr>
<tr>
<td>Philip Pettit</td>
<td></td>
</tr>
<tr>
<td>Reasonableness and Value Pluralism in Law and Politics</td>
<td>129</td>
</tr>
<tr>
<td>Wojciech Sadurski</td>
<td></td>
</tr>
</tbody>
</table>
Global Legitimation and Reasonableness .......................... 147
Sebastiano Maffettone

Philip Pettit's *Law, Liberty and Reason*: Republican Freedom and
Criminal Justice .................................................. 163
Luca Baccelli

c. Reasonableness in Constitutional Adjudication

Proportionality, Judicial Review, and Global Constitutionalism .... 173
Alec Stone Sweet and Jud Mathews

Constitutional Adjudication and the Principle of Reasonableness ...... 215
Andrea Morrone

Some Critical Thoughts on Proportionality .......................... 243
Iddo Porat

Part II Private, Public and International Law

a. Reasonableness in Private Law

Reasonable Persons in Private Law .................................. 255
Arthur Ripstein

The Reasonable Consumer under European and Italian Regulations on
Unfair Business-to-Consumer Commercial Practices .................. 283
Chiara Alvisi

b. Reasonableness in Administrative and Public Law

Reasonableness in Administrative Law ................................ 295
Giacinto della Cananea

Reasonableness in Administrative Law: A Comparative Reflection on
Functional Equivalence ........................................... 311
Michal Bobek
c. Reasonableness in Biolaw

Reasonableness, Bioethics, and Biolaw ........................................ 329
Carla Faralli

Reasonableness in Biolaw: Is it Necessary? .......................... 337
Amedeo Santusosso

Reasonableness and Biolaw ..................................................... 351
Stephanie Hennette-Vauchez

Reasonableness in Biolaw: The Criminal Law Perspective .... 363
Stefano Canestrari and Francesca Faenza

d. Reasonableness in EU and International Law

The Principle of Reasonableness in European Union Law ....... 383
Adelina Adinolfi

An Evolving “Rule of Reason” in the European Market ........... 405
Lucia Serena Rossi and Stephen J. Curzon

From State-Centered towards Constitutional “Public Reason” in
Modern International Economic Law ................................. 421
Ernst-Ulrich Petersmann

Index of Names ................................................................. 459