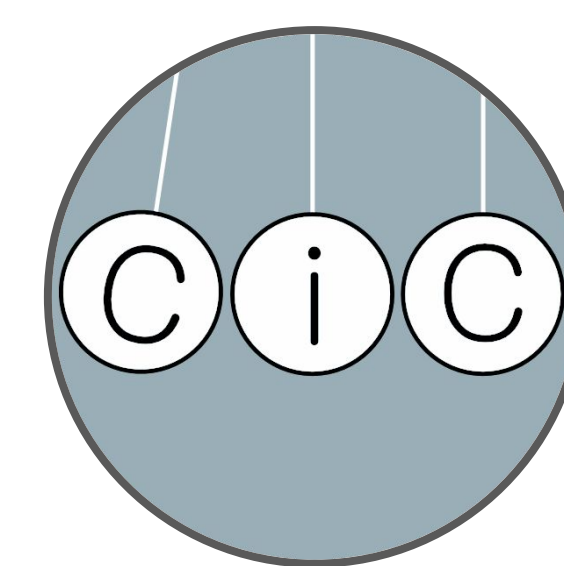


# How to make a reasonable person

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## Background

- Jurors are often asked to evaluate how a “reasonable person” would have acted in a defendant’s situation
- Legal scholars debate using a uniform standard (*objective standard*) vs. tailoring to the defendant’s particular features and capacities (*subjective standard*)
- In practice, courts have tailored to some features (e.g. physical disabilities), but not others (e.g. gender, cultural background)
- What features matter when ordinary people imagine a reasonable person in a particular situation?
- Empirical evidence can inform legal debates and best practices

- 11 fictional legal vignettes
- Each defendant described by 15 features:
  - 5 **demographic traits** (e.g. “is female”)
  - 5 **dispositions** (e.g. “is organized”)
  - 5 **actions** (e.g. “grabbed the revolver”)



**Example:** Nadia is a 34-year-old White woman... She and her husband Franklin have been married for five years. They previously attended couples therapy... One night, Franklin came home extremely intoxicated and chased her, threatening to kill her... Nadia became very scared. Out of panic, she grabbed a licensed revolver from under the bed and shot him.

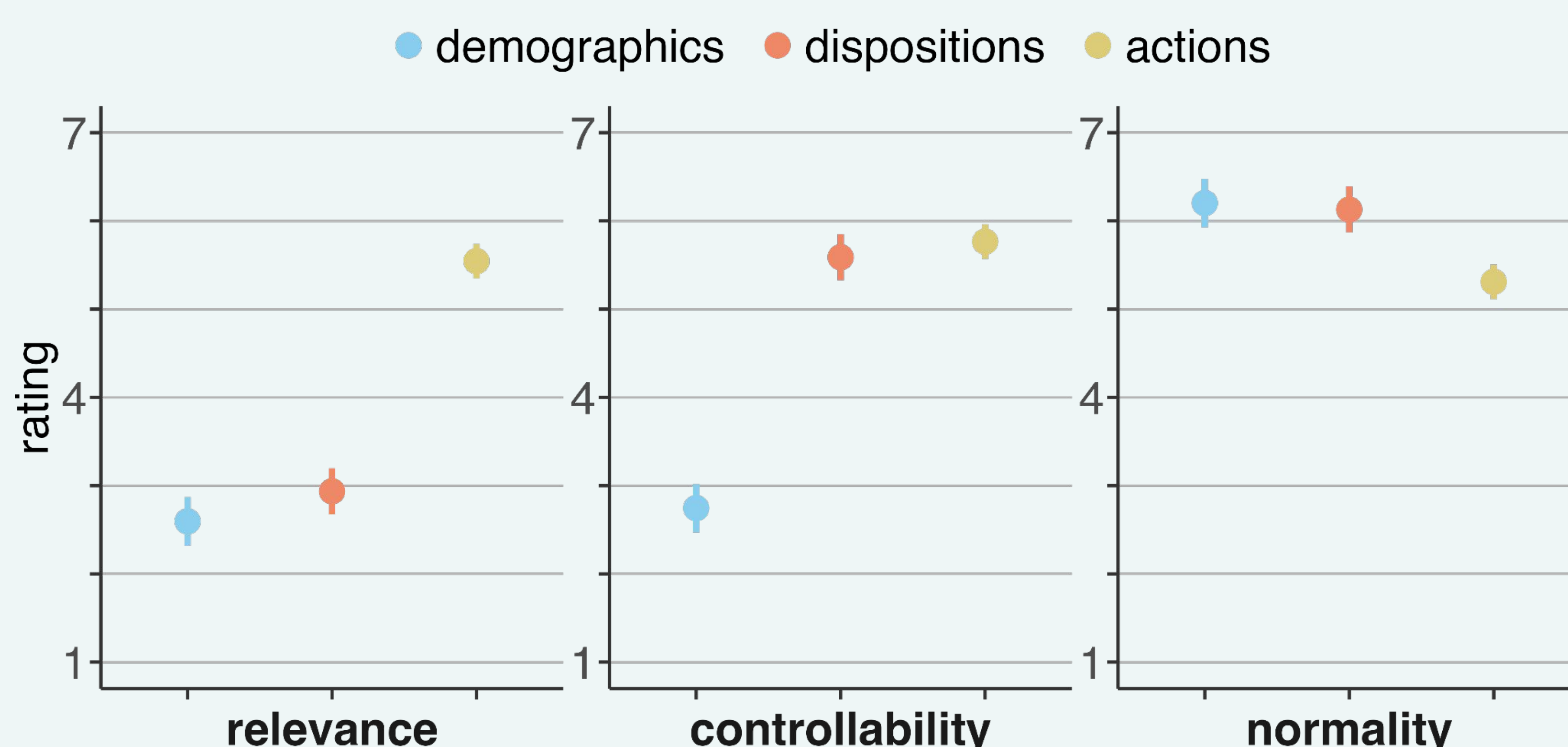
## Experiment 1: Feature dimensions

- 150 participants from Prolific → 3 conditions
- Rated the **relevance**, **controllability**, or **normality** of each feature on a 7-point Likert scale

**Example:** How relevant for the outcome was it that Nadia is female?

very irrelevant ○ ○ ○ ○ ● ○ ○ very relevant

- Systematic patterns in how people conceptually organized the different feature types



## Experiment 2: Outcome judgments

- How do dimensions of relevance, controllability, and normality predict which features matter for judgments about reasonableness and outcomes?
- 200 participants from Prolific → 4 conditions
- Mean ratings from Experiment 1 were to fit to selection and agreement responses using logistic and linear regression

**Example:** In order to undo the outcome, which of these about Nadia would you change? That Nadia...

...is female.

...is organized.

...

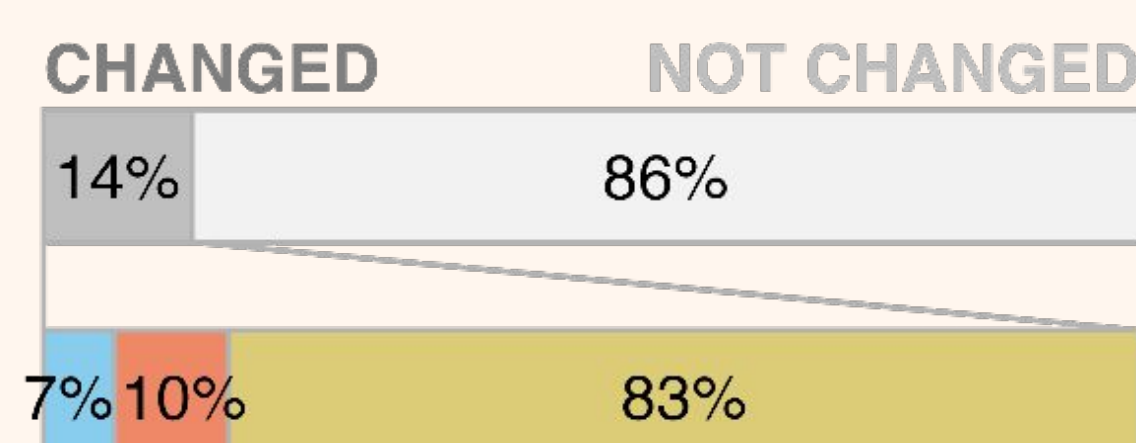
Juror

a reasonable woman

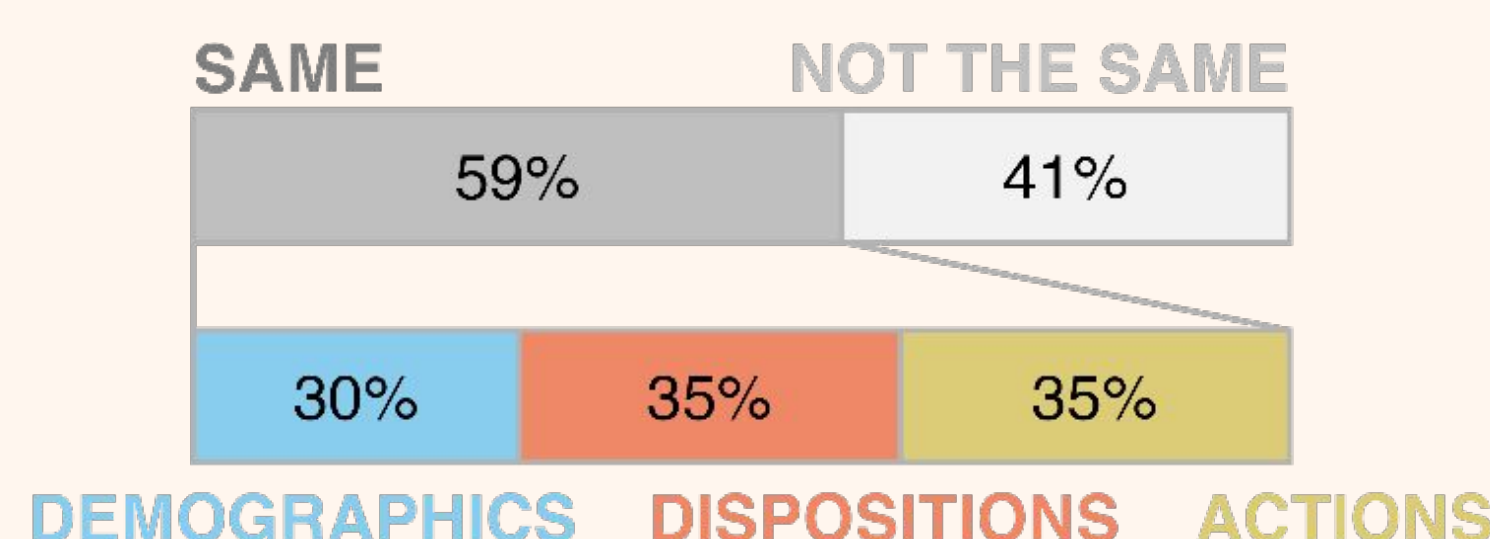
**Example:** How much do you agree that this is the right kind of person to consider in Nadia’s situation?

not at all  very much

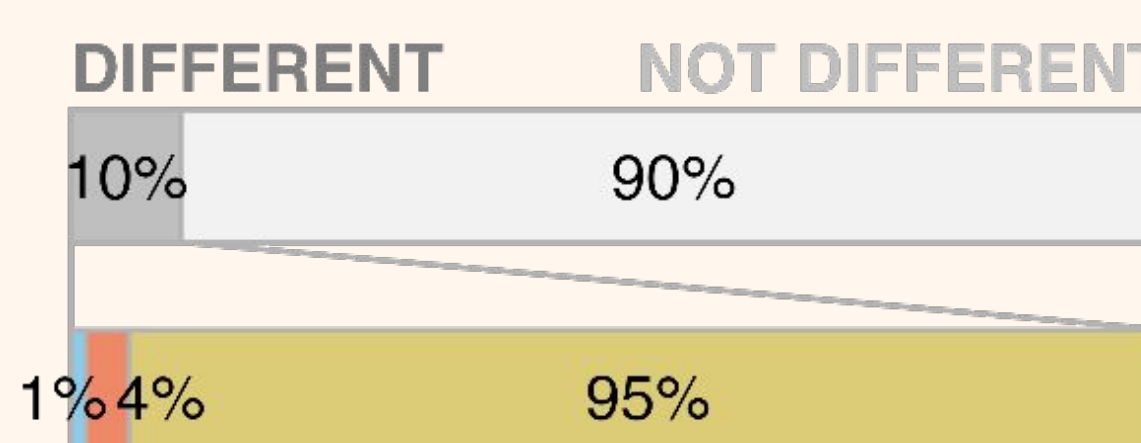
(1) What could be changed to **undo** the outcome? [select among features]



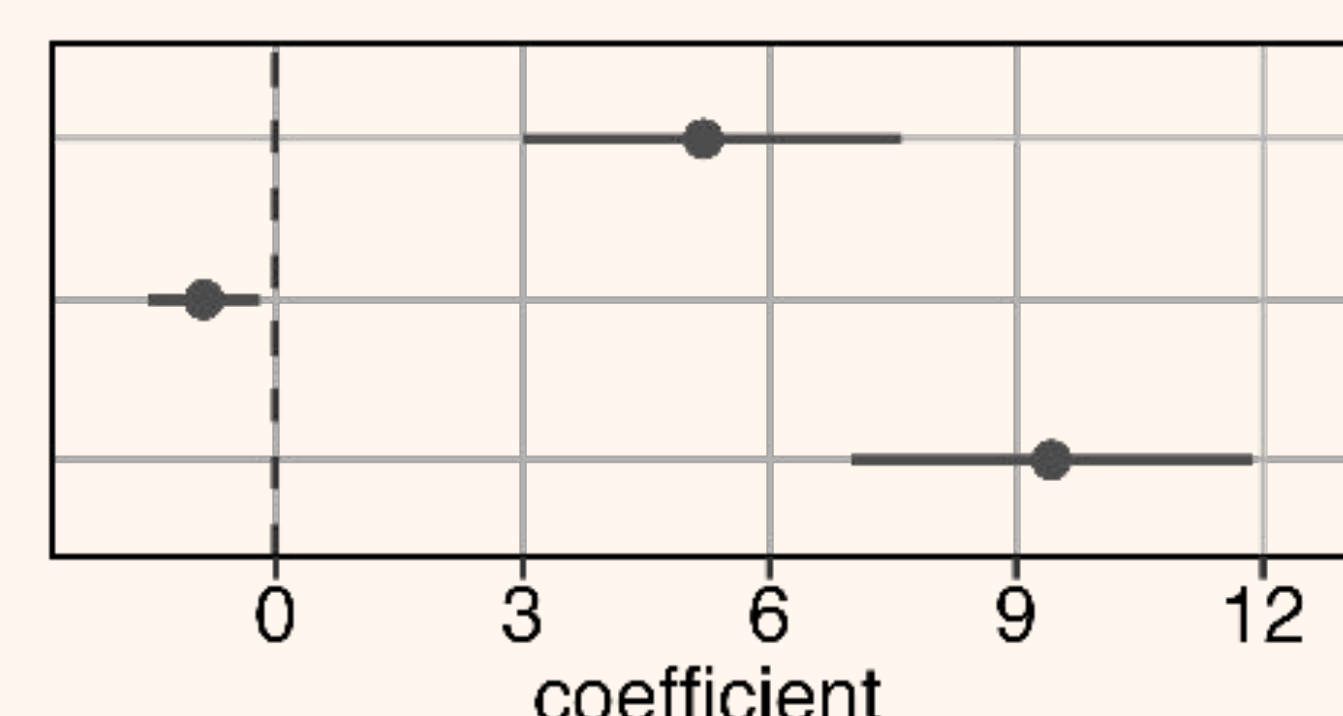
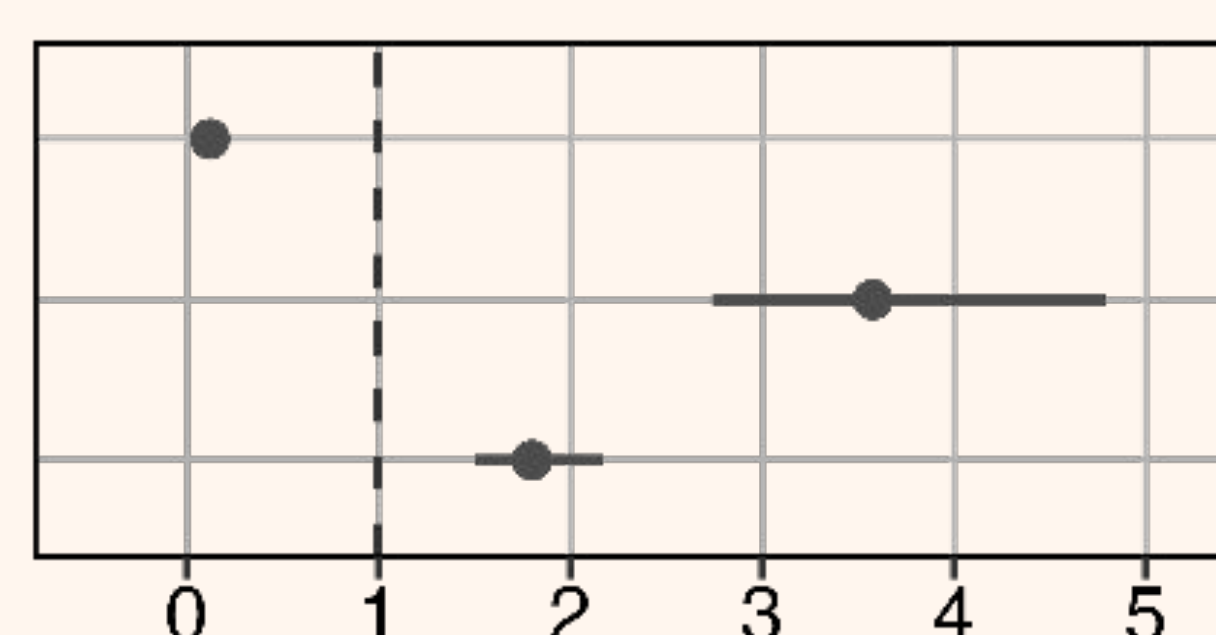
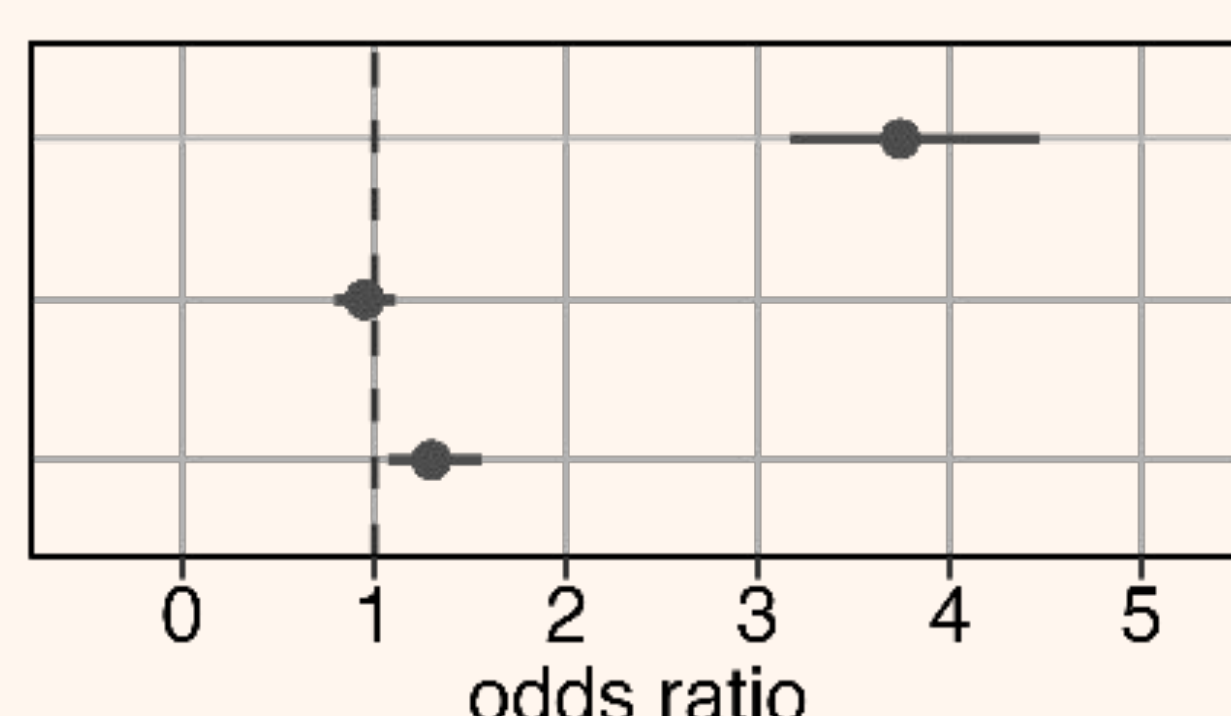
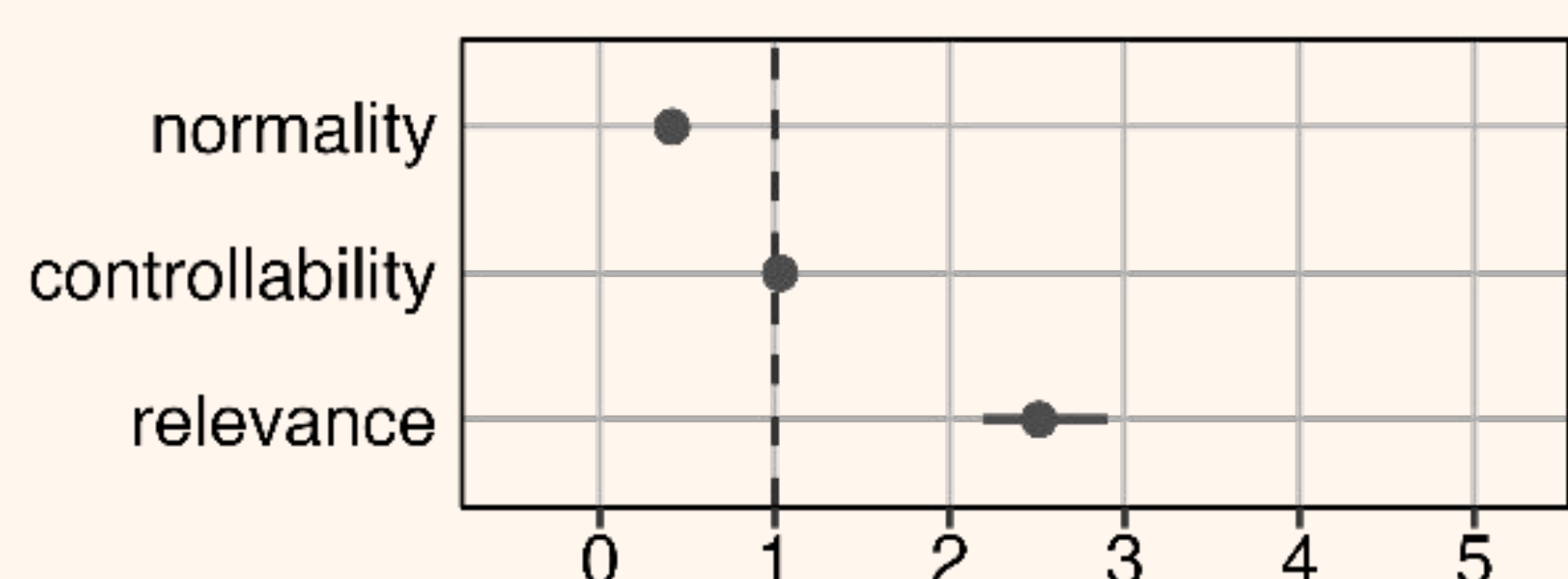
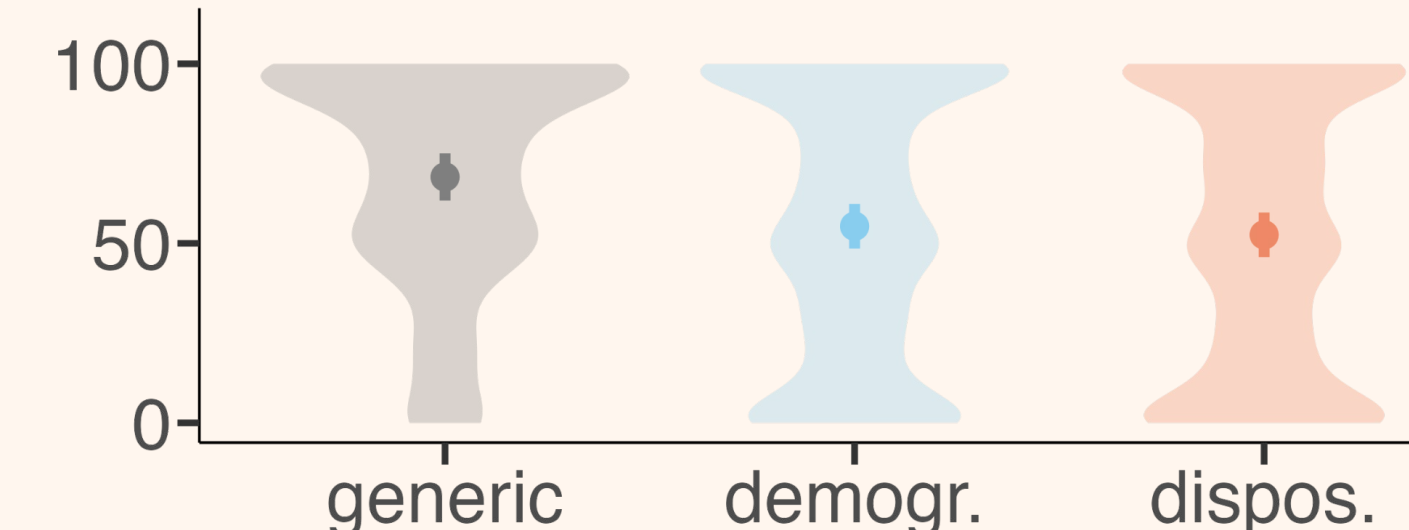
(2) What would be the **same** in a reasonable person? [select among features]



(3) What would be **different** in a reasonable person? [select among features]



(4) What **subjective standard** would you endorse? [rate agreement 0-100]



Normality + controllability + relevance predicted judgments well across all four conditions ( $R = 0.84-0.94$ )

## Takeaways: A descriptive foundation to inform legal theory about reasonableness

- Connections to theories of blame (role of causality, controllability, and normality) – shared cognitive mechanisms?
- Outstanding questions: generalizability, other feature dimensions, individual differences

