

Author Meets Critic Symposium Proposal
2009 Canadian Philosophical Association

Book: *Force and Freedom: Kant's Legal and Political Philosophy* Cambridge, MA: Harvard University Press, 2009

Author: Arthur Ripstein, University of Toronto

Critics: Daniel Weinstock, University of Montreal
Larissa Katz, Faculty of Law, Queen's University
Allen Wood, Stanford University

Organizer: Sergio Tenenbaum, University of Toronto

Ripstein's book has already been highly acclaimed as perhaps the most important book on Kant's legal and political philosophy in decades. For evidence of the importance of this book, see Allen Wood's review of the book at ndpr.nd.edu/review.cfm?id=17946.

Abstract of *Force and Freedom*

In *Force and Freedom*, Arthur Ripstein gives a comprehensive yet accessible account of Kant's political philosophy. Ripstein argues that Kant's thought is organized around two central claims: first, that legal institutions are not simply responses to human limitations or circumstances; indeed the requirements of justice can be articulated without recourse to views about human inclinations and vulnerabilities. Second, Kant argues for a distinctive moral principle, which restricts the legitimate use of force to the creation of a system of equal freedom.

Larissa Katz, "A Kantian Theory of Property, Comment on Arthur Ripstein's *Force and Freedom*"

We often think of lawyers and philosophers as doing different things. We turn to philosophers for arguments about what ends our institutions ought to serve. Lawyers are meant to be better at questions of institutional design: how our institutions ought to be engineered to meet those ends. The Kantian project, however, takes over both these tasks and purports to provide both a clear rationale for private law *and* an account of its structure. In this comment, I examine the ways in which Ripstein's telling of the Kantian project redefines the landscape of conceptual and normative property theory. The main contribution of this approach to contemporary property theory, I argue, is the link it establishes between private and public right. It provides a clear answer to one of the most vexing problems in normative property theory: the obligations of owners to contribute to the common good. The Kantian approach also promises— but ultimately fails to make good on its promise – to resolve an equally pressing conceptual issue: explaining the form property rights take without leaving what I call a justificatory gap, a gap between the form ownership takes and its justification.

Daniel Weinstock, "Ripstein on Kant on Revolution"

No abstract available.

Allen Wood, "Right and Ethics"

Kant's *Metaphysics of Morals* divides "morals" (*Sitten*) into two parts: right (*Recht*) and ethics (*Ethik*). But it remains far from clear how right and ethics relate to each other, or how their treatment can possibly form a single whole. Arthur Ripstein's *Force and Freedom* offers us a helpful reading of the Doctrine of Right in this regard, because it avoids the common error of thinking that right is nothing but a branch of ethics (so that duties of right are nothing but a special application of the Categorical Imperative, or supreme principle of morality). But Ripstein does not solve the main problem himself, and his treatment of it in an Appendix to his book remains (at least to me) deeply perplexing and unsatisfactory. In this discussion, I sketch an account of the foundation of duties of right which seems to me more in harmony with Ripstein's overall treatment of right, even if it does not agree with everything he says on the topic. I hope in this way to draw from him a clearer answer to the difficult question of how right relates to ethics in Kant.