Lingnan University 嶺南大學 香港 Hong Kong
Department of Philosophy

Philosophy Departmental Seminar

Legal Indeterminacy and Reflective Judgments

This paper is a critical assessment of Kant's thinking about legal indeterminacy, as Arthur Ripstein has outlined it in his book *Force and Freedom* (2009), a comprehensive recent overview and development of Kant's legal and political philosophy. I have two goals. First, I want to see whether Kant's treatment of legal indeterminacy could be exploited to make progress in contemporary theorizing about the nature of law. It appears to me that contemporary legal philosophers have been unable to arrive at a satisfying treatment of the topic of legal indeterminacy and some closely connected issues, the varying several positions on which together motivate competing conceptions of the nature of law. I want to see whether Kant offers some resources for a breakthrough, or at least some progress. Second, I also want to see whether the way that Kant deals with the phenomenon of legal indeterminacy, as he conceives it, or at least as Ripstein reports Kant's take on it, is compelling in its own right. On both, I will express scepticism. I will end the paper by sketching an alternative way of dealing with the issue of legal indeterminacy that I believe is more compelling. I will also suggest that there is a strand of Kantian thinking, displayed most clearly in Kant's discussion of artistic genius in the *Critique of Judgment* (1790), that could be invoked to buttress the alternative approach that I will be proposing.

Speaker: Professor Kevin Toh (*University College London*)

Venue

LKK203

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9 November 2026
(Monday)

4:45 – 6:15 pm
(HKT)

All are welcome!