

## Crime, Freedom and Civic Bonds: Arthur Ripstein's Force and Freedom: Kant's Legal and Political Philosophy

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**Abstract** There is no question Arthur Ripstein's *Force and Freedom* is an engaging and powerful book which will inform legal philosophy, particularly Kantian theories, for years to come. The text explores with care Kant's legal and political philosophy, distinguishing it from his better known moral theory. Nor is Ripstein's book simply a recounting of Kant's legal and political theory. Ripstein develops Kant's views in his own unique vision illustrating fresh ways of viewing the entire Kantian project. But the same strength and coherence which ties the book to Kant's important values of independence blinds the work to our shared moral ties grounded in other political values. Ripstein's thoughts on punishment are novel in that he embeds criminal law, both in its retributivist and consequentialist facets, into Kant's overarching political philosophy to show how criminal law can be seen as one aspect of the supremacy of public law. But a criminal law solely focused on the preservation of freedom takes little notice of the ways criminal law need expand its view to account for how a polity can restore the victim of a crime back to civic equality, reincorporate offenders after they have been punished and cannot leave past offenders isolated and likely to reoffend, resulting in the rotating door prison system and communities of innocents who remain preyed upon by career criminals. Lastly, a political theory that does not prize our civic bonds will ignore the startling balkanization of our criminal punishment practices, where policing, arresting and imprisonment become tools of racial and social oppression. In illustrating the benefits in viewing criminal law as a coherent part of Kant's political theory of freedom, Ripstein also highlights what is absent. It then becomes clear that though Kant presents one important facet of punishment, only a republican political theory can meet the most pressing moral demands of punishment by reminding us that criminal law must be used to preserve and strengthen civic society.

**Keywords** Ripstein · Kant · Force and freedom

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