Vernünftiger Umgang
mit unscharfen Grenzen

Deciding under Non-epistemic Uncertainty

Decision-theoretic, Psychological and Legal Perspectives

11–13 October 2012

Albert-Ludwigs-Universität-Freiburg

Conference Office

Institut für Staatswissenschaft und Rechtsphilosophie: Abt. 2 Rechtsphilosophie
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Homepage
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A Conference Location

Alter Senatssaal, HS 01014
Wilhelmstraße 26, 1. OG
79098 Freiburg im Breisgau

B Main Station

Registration

Participation is free, but space is limited.
If you wish to attend, please send an email to
rechtsphilosophie@jura.uni-freiburg.de
until 1 October 2012.

Thursday, 11 October 2012

14.00 **Geert Keil** (Berlin) / **Ralf Poscher** (Freiburg)
Introduction

14.15 **James Hampton** (London)
The Reliability of Being 100% sure. Differences between Epistemic and Non-epistemic Uncertainty

David Lanius (Berlin)
Commentary

15.45 Coffee Break

16.00 **Mandeep Dhami** (Guildford)
On Measuring the Fuzziness of Reasonable Doubt

17.15 Coffee Break

17.30 **Barbara Spellman** (Charlottesville)
Can We Ever Really Know How Judges Decide?

Friday, 12 October 2012

9.00 **Robert Williams** (Leeds)
Decision Making under Indeterminacy

10.15 Coffee Break

10.30 **Robert van Rooij** (Amsterdam)
Probabilistic Choice, Games, and Vagueness

Andree Weber (Freiburg)
Commentary

12.00 **Christoph Engel** (Bonn)
Probably Wrong. Getting the Law Right as an Exercise in Probability Calculations

13.15 Lunch Break

Friday, 12 October 2012

14.30 **Leo Katz** (Philadelphia)
The Moral Precipice: Why Most Legal Concepts Aren't Scalar

Benedikt Schauberer (Freiburg)
Commentary

16.00 Coffee Break

16.15 **Adam Kolber** (New York)
Smooth and Bumpy Laws

17.30 Coffee Break

17.45 **Jan Sieckmann** (Bamberg)
Uncertainty as a Problem of Balancing

20.00 Conference Dinner

Saturday, 13 October 2012

9.30 **Frederick Schauer** (Charlottesville)
Contingent Vagueness and the Alleged Open Texture of Law

Daniel Gruschke (Berlin)
Commentary

11.00 Coffee Break

11.15 **Kees van Deemter** (Aberdeen)
Why be Vague?

Deciding under Non-epistemic Uncertainty

The term "non-epistemic uncertainty" may sound like a *contradictio in adjecto*. But it is not, given the phenomenon of semantic, i. e. non-epistemic, vagueness. Vagueness, according to Grice's influential working definition, involves the speaker's uncertainty about "whether to apply the vague expression or to withhold it", where "one's not knowing is not due to ignorance of the facts". This is precisely the situation in which judges often find themselves due to the semantic indeterminacy of legal statutes. Deciding hard cases is a central part of their job description. The conference will focus on the decisional aspect of the issue and tackle the question whether and to what extent there are rational ways of dealing with non-epistemic uncertainty. Decision theory has delivered a large body of research on rational decision making under epistemic uncertainty. Do these findings translate to non-epistemic cases or do we need different approaches?

The following questions will also be addressed:

- What do we know about the psychology of situations in which we have to decide upon indeterminate presets?
- What do we know about the psychology of *judicial* decision making in cases of legal indeterminacy?
- How do the doctrinal ways to solve legal indeterminacies relate to the recommendations of decision theorists for handling uncertainty?

The conference wishes to discuss these questions with experts from philosophy, economics, psychology and law.