



**Max Planck Research Group**

**Criminal Law Theory**

# CRIMINALISING CARELESSNESS?

COMPARATIVE AND INTERDISCIPLINARY  
PERSPECTIVES ON CRIMINAL LIABILITY  
FOR INADVERTENT NEGLIGENCE

**29–31 AUGUST 2024**

Fürstenbergstr. 19, 79102 Freiburg  
Seminar Room and online



Further information and registration  
<https://csl.mpg.de/de/carelessness>



# Criminalising Carelessness?

## Comparative and Interdisciplinary Perspectives on Criminal Liability for Inadvertent Negligence

Workshop, August 29–31, 2024

Max Planck Institute for the Study of Crime, Security and Law

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### INTRODUCTION

Can we punish people for crimes they didn't even know they committed? Ultimately, the answer to this question lies at the core of criminal liability for inadvertent negligence. But legal systems respond very differently. Although most civil law jurisdictions seem to have no problem with criminal liability for inadvertent negligence, its criminalisation is controversial in common law jurisdictions. And even though most Anglo-American criminal law theorists firmly hold onto the principle of *actus non facit reum, nisi mens sit rea*, criminal liability for negligence, and even strict liability, is becoming inexorably widespread in statutory law. Surprisingly, despite the subject having been long discussed in Anglo-American and German criminal law scholarship, there has been scant exchange between them, and the two legal systems have benefited too little from each other's insights.

From 29–31 August 2024, we would like to address this issue and the different perspectives on criminal liability for inadvertent negligence in a workshop organized by the Max Planck Institute for the Study of Crime, Security and Law, Freiburg. Cutting through the fields of philosophy, psychology, and criminal law theory, the workshop will address the theoretical, doctrinal, and practical issues of inadvertent negligence. A special emphasis will be placed on the question of what we are accusing the offender of: What is criminally wrong about being careless, and is this criminal charge tenable from a legal and even from a philosophical and psychological point of view? By bringing together scholars from different civil and common law jurisdictions, the workshop will provide a platform for a lively international and interdisciplinary debate on these questions and seeks to provide new answers to an old problem.

## THURSDAY, AUGUST 29, 2024

- 9:15-10:00**      **Registration**
- 10:00-10:15**      **Welcome and Introduction**  
Philipp-Alexander Hirsch (Freiburg)
- 10:15-11:15**      **Fundamental Questions on Inadvertent Negligence from the Perspective of German Criminal Law**  
Gunnar Duttge (Göttingen)
- 11:15-12:15**      **Chosen Negligence**  
Mark Dsouza (London)
- 12:15-13:45**      *lunch break*
- 13:45-14:45**      **Settling the Terms for Understanding Negligent actions: Two Models of Deliberation**  
Veronica Rodriguez-Blanco (Surrey)
- 14:45-15:45**      **Inadvertent Negligence and Moral Luck**  
Boris Burghardt (Marburg)
- 15:45-16:15**      *coffee break*
- 16:15-17:45**      **The Semantics of Avoidability**  
Manuel Cordes (Freiburg)
- Could Have Known Better**  
Alexander Greenberg (Southampton)
- 18:30**              *Dinner (speakers only)*

## FRIDAY, AUGUST 30, 2024

- 9:30-11:00**      **Remembering Intentions: A Special Cognitive Challenge**  
Jan Rummel (Heidelberg)
- The (Un)Avoidability of Negligence**  
Johannes Stefan Weigel (Göttingen & Freiburg)
- 11:00-11:30**      *coffee break*

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## PROGRAM

- 11:30–12:30**      **The Non-Punishability of Negligence**  
Heidi Hurd (Illinois) & Michael Moore (Illinois)
- 12:30–14:00**      *lunch break*
- 14:00–15:00**      **Two Models of Carelessness: Extraordinary Imputation vs. Breach of Duty**  
Jan C. Schuhr (Heidelberg)
- 15:00–16:00**      **Constrained Negligence**  
Findlay Stark (Cambridge)
- 16:00–16:30**      *coffee break*
- 16:30–17:30**      **Unconscious Negligence from the Perspective of Functionalism**  
Svenja Schwartz (Freiburg)
- 18:00**              *Dinner (speakers only)*

## SATURDAY, AUGUST 31, 2024

- 9:30–10:30**      **Against the Criminalization of Inadvertent Negligence – a State-Centric Account**  
Malcolm Thorburn (Toronto)
- 10:30–11:00**      *coffee break*
- 11:00–12:00**      **Criminal Negligence and the Constitution – A Canadian-German Perspective**  
Morten Boe (Freiburg)
- 12:00–13:00**      **Should we be less careless with carelessness?**  
Georgia Stefanopoulou (Hannover & Leipzig)
- 13:00**              **Closing Remarks**
- 13:15**              *Lunch (speakers only)*

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## ORGANIZATION

- Date:** August 29–31, 2024
- Venue:** Max Planck Institute for the Study of Crime, Security and Law,  
Günterstalstr. 73,  
79100 Freiburg i. Br. (Germany)
- *online participation is possible* –
- Host:** Independent Research Group „Criminal Law Theory“
- Convenors:** Dr. Dr. Philipp-Alexander Hirsch  
Johannes S. Weigel
- Contact:** [strafrechtstheorie@csl.mpg.de](mailto:strafrechtstheorie@csl.mpg.de)
- Further Information and Registration:** <https://csl.mpg.de/en/carelessness>

