

**Application Research Project of National Interest (2022) (to the Italian Ministry of University and Research) by the consortium Siena, Perugia with the topic (scientific part) /
Domanda PRIN 2022 del consorzio Siena, Perugia, con il tema (parte scientifica):**

A theory of retrospective responsibility as part of the system of social and moral action control

Application number: Codice del progetto: 2022AXABKC

PART A

A.1 - Research Project Title

A theory of retrospective responsibility as part of the system of social and moral action control.

[Short title: PRIN 2022: Retrospective responsibility for moral action control.]

A.2 – Duration (months) 24

A.3 - Main ERC field

ERC field: SH

A.4 - Possible other ERC field

A.5 - ERC subfields

1. SH5_10 Ethics and its applications; social philosophy;
2. SH4_12 Philosophy of mind, philosophy of language

A.6 - Keywords

responsibility,
conditions of responsibility,
social action control,
collective responsibility,
guiltless guilt,
freedom of decision and determinacy

A.7 - Principal Investigator

Lumer (Surname) Christoph (Name)

Professore Ordinario (L. 240/10) (Qualification)

Università degli Studi di Siena (Organization)

A.8 - List of research units

n°	Associated Investigator	Qualification	University/Research Institution	Registered office (address)	Operating office (address)	e-mail address
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A.9 - Substitute Principal Investigator* (To be identified among one of the research units participating in the project).

GHIGI

(Surname)

NICOLETTA

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21/04/1969

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A.10 - Brief description of the proposal

The aim of the project is to develop a general theory of retrospective responsibility with several components.

1. The theory of retrospective responsibility is embedded in a comprehensive theory of the social control of individuals' actions. Moral and legal norms, attribution of responsibility, sanctions, but also associated institutions such as the legislature, jurisdiction, police and judicial apparatus are part of a vast complex of social control of the actions of members of society. One task of the research project is to outline this comprehensive system, then to determine more precisely the function of the system of responsibility criteria and attribution of responsibility in order to gain specifications for the individual conditions for retrospective responsibility and to justify the entire conception of attribution of responsibility.

2. The next task is the precise determination of the conditions of retrospective responsibility in its various forms (responsibility for acts, omissions, for events that have occurred and for the non-occurrence of events) and their justification within the framework of the functional role of responsibility. Despite the preliminary work of the working group that has already been done, conditions that still require particularly critical and focussed work are above all (i) the objective part of the act in event responsibility and responsibility for the non-occurrence, (ii) the shielding condition for the social distribution of responsibility, in particular the subconditions for collectively generated events.

3. The practice of attributing responsibility in the context of action control through punishments and rewards is based on some critical presuppositions that are particularly controversial in philosophical debates and will be discussed in a further part of the project: (i) auctoritas and genuine imputability despite the absence of ultimate control; (ii) possible guiltless "guilt" and unjust punishments due to the determinacy of choices; (iii) minimal freedom of choice as a precondition of responsibility.

Collective responsibility is a particularly topical political and philosophical issue. However,

according to one of the theses of the project, the determination of retrospective collective responsibility already presupposes a determination of prospective responsibility. Therefore, another part of the project is dedicated to the development of a conception of collective prospective responsibility.

The project results can be important contributions to questions discussed or still to be discussed in the general elevated public and thus also serve the political and cultural orientation of the public. This applies in particular to the topics: 1. retrospective responsibility despite determinacy, 2. global responsibility (climate, world poverty, species extinction, exploitation and oppression in other countries), 3. responsibility of autonomous robots with highly developed learning capabilities.

A.11 - Total cost of the research project identified by items

PART B

B.1

B.1. State of the art

The most important major approaches to a general theory of retrospective responsibility are 1. the *CONSEQUENTIALIST APPROACH*, according to which the attribution of responsibility with possible subsequent reward or punishment to a subject serves to control the future actions of that subject and others (Brandt 1969; Dennett 1984; Frankena 1963; Kenny 1978; Lumer 2012; 2018; Schlick 1966), 2. *RETRIBUTION THEORY* (Corlett 2008; Lucas 1993; Smilansky 1996; critique: Feldman 1995; 1996; Simmons 2010), 3. *ATTRIBUTION OR AUTHENTICITY THEORY*, according to which someone is responsible for those actions that express his or her essence (Adams 1985; Haji 1998; Scanlon 1998; critique: Levy 2005), 4. Strawson's *THEORY OF REACTIVE ATTITUDES* (Bennett 1980; Darwall 2006; Strawson 1992), 5. *THEORIES OF ULTIMATE CONTROL*, according to which responsibility presupposes the ultimate control of the determinants of one's decision by the moral subject (Pereboom 2001; Caruso in: Dennett & Caruso 2022; critique: Strawson 1986; 1994). The proposed project has constructive aims, it attempts to further develop the consequentialist approach. The other approaches are fundamentally problematic. Because of the constructive aims, the alternative approaches will not be criticised here.

Among the contributions to the consequentialist approach, so far a comprehensive theory is missing that not only i. elaborates this approach and ii. embeds it in a general theory of social action control for directing it into socially desirable directions, but iii. also justifies the individual conditions of retrospective responsibility and iv. specifies them in detail.

There is quite a bit of literature on the individual conditions of retrospective responsibility: Conditions of responsibility for an action: *R1: OBJECTIVE PART OF THE ACT*: s' behaviour is an action (Fischer & Ravizza 1998); *R2: ALTERNATIVE POSSIBILITIES OF ACTION* (Copp 1997; Fischer 2003; Ginet 1996; critique: Frankfurt 1969); *R3: SUBJECTIVE PART OF THE ACT*: pre-planning, goal intention, means intention, knowingness, or culpable ignorance (Duff 1990; Finnis 1991; Hart 1961; 1968; Levy 2014a; 2014b; Mackie 1977; McCarthy 2002; Moore 1980; Murray 2017; Rosen 2008; Santoni de Sio 2013); *R4: SANITY OF THE SUBJECT* in the sense of deliberation capacity and ability to incorporate morally and legally relevant information (Fischer 2006a; 2006b; Fischer & Ravizza 1998; Glannon 2002; King 2018; Moore 1984; Moratti & Patterson 2016; Rogers & Shuman 2000; Shoemaker 2015; Sinnott-Armstrong & Behnke 2000; Summers & Sinnott-Armstrong 2019; Wallace 1991; Watson 2004; Williams 1994; Wolf 1988); *R5: NO SHIELDING OF RESPONSIBILITY BY OTHERS* who are responsible for the act (Mele 2019; Sharp 2016); *R6: REASONABLENESS OF PERMITTED ACTS*; *R7: ADDITIONAL*

CONDITIONS FOR RESPONSIBILITY FOR EVENTS, FOR OMISSIONS AND FOR THE NON-OCCURRENCE OF CERTAIN EVENTS (Clarke 2014; Moore 2009; 2019; Sartorio 2004). These conditions are elaborated to varying degrees. Above all, however, a clear functional selection, specification and justification of these conditions from the basic consequentialist approach is usually lacking.

In the last 20 years, two topics have been discussed very intensively in the field of retrospective responsibility. One is the *SIGNIFICANCE FOR THE CONCEPTION OF RESPONSIBILITY OF THE WEALTH OF FINDINGS FROM NEUROSCIENCE AND DECISION AND COGNITIVE PSYCHOLOGY* that have accrued since the 1990s (Bonicalzi & Haggard 2019; De Caro 2013; De Caro et al. 2013; Deigh 2008; Grün 2008; Hirstein et al. 2018; Roskies 2006). Quite a few of the discussants were of the opinion that these empirical results make the concept of responsibility as the basis of punishment and reward obsolete. The research group does not share this view. Often the "revolutionary" results consisted, for example, only in the finding of neuronal influences on the decision, thus confirming determinism – which, however, adds nothing to the centuries-old discussion between compatibilists and incompatibilists and the assumption of most compatibilists that decisions are in fact determined. However, some research results require specifications of the responsibility conditions, which, however, do not affect the basic concept of retrospective responsibility (Lumer 2014; 2017; 2019).

The other issue intensively discussed as a consequence of new or approaching GLOBAL CHALLENGES SUCH AS CLIMATE CHANGE AND GLOBAL POVERTY is collective responsibility (Braham 2012; Collins 2019; Heidbrink 2003). How can the collective causation or non-prevention of these crises possibly be broken down to individual responsibility? On this question, there is a plethora of half-finished proposed solutions, but no real breakthrough. One of the basic working hypotheses of the project is that these questions of collective retrospective responsibility cannot be solved independently of the determination of prospective responsibility (see below).

B.2. Detailed description of the project: methodologies, objectives and results that the project aims to achieve and its interest for the advancement of knowledge, as well as methods of dissemination of the results achieved

B2.i: Detailed description of the project: i. methods

METHODS

The research project uses several methods for devising and justifying two different but related types of theories to be developed in the project: 1. idealising-hermeneutic theories with explanatory-interpreting and with practical justifications, 2. technical-constructive theories with explanations by means of nomological statements and with practical justifications.

1. IDEALISING-HERMENEUTIC THEORIES (Lumer 1990; 2011; 2020) aim at self-enlightenment about the practical meaning of certain kinds of actions, of products of action, rules of action and decision-making, conceptual systems, models of knowledge, ontological constructs, etc., i.e. of objects that people can directly influence and shape, in the current project therefore of already realised and well-functioning conceptions of retrospective responsibility. This philosophical self-enlightenment does contain empirical components, but it is not meant to be purely empirical, psychological or sociological. Rather, it aims, on the one hand, to (better) understand the *WELL-FOUNDED* intentions, goals, what one *ACTUALLY* wants to achieve with these objects, among other things, in order to then be able to pursue the truly worthwhile goals more purposefully. For another, it serves to filter out the *IDEAL* means already

factually applied with which these goals can be achieved. Thus, an ideal is constructed from the understood actual goals and means, which in a favourable case has already been the basis - possibly even only partially - of what we have actually created. Idealising-hermeneutic theories are thus, on the one hand, to some extent *EMPIRICAL*, in that they seek to understand a factual practice, means actually used, etc. On the other hand, they are in a broad sense *NORMATIVE*, more precisely: evaluative and consultative, in that they pick out only the best from this material and construct an ideal from it. - The *research material* used in this case are factual rules of attribution of responsibility above all in Western legal systems and in everyday interpersonal practice, as well as explanations and justifications of the meaning of such rules from philosophical and legal literature. The most important *METHODS* used are, on the one hand, *EXPLANATORY INTERPRETATIONS*, with which the practical sense of rules or justifications that are not fully understood can be determined, and, on the other hand, *PRACTICAL JUSTIFICATIONS*, with which individual components, but also entire systems (possibly first assembled from various good fragments found) can be compared and selected in an evaluative manner. The intended *RESEARCH RESULTS* are descriptions of rules of responsibility attribution as well as their practical justifications through the proof of their moral value, which they have in particular through their functional contribution to the comprehensive system of social action control. - Idealising hermeneutics is used for all six project goals.

2. *TECHNICAL-CONSTRUCTIVE THEORIES* (Lumer 1990; 2011; 2020) in philosophy aim to develop good, versatile tools. They often tie in closely with the results of idealising-hermeneutic theories: Idealising hermeneutics usually already (roughly) provides the purposes, the standard outputs of the instruments to be developed. Technical-constructive theories then critically examine to what extent the other results of the idealising hermeneutics can also be directly adopted or to what extent they only have a heuristic value for one's own construction activity. In the latter case, the technical-constructive theories – borrowing from the idealising-hermeneutic – determine certain good standard outputs of cognition models, actions, products of action, here therefore conceptions of retrospective responsibility, etc. and then develop general descriptions (rules, criteria) for instruments that optimally realise these outputs, here therefore conditions of retrospective responsibility. – *RESEARCH MATERIAL* are the results of idealising hermeneutics, but otherwise the possibly good instruments can be freely composed. The most important *METHODS* of technical construction are nomological explanation and prognosis of the functioning of the instruments to be developed and their practical justification through comparative moral evaluation. *EXPECTED RESULTS* of the research are descriptions of good rule systems for the attribution of retrospective responsibility and of a good comprehensive system of social action control, as well as the justification of these systems through evaluative comparison with competing systems. Technical construction is predominantly used for project goals 3 to 6.

B.2.ii. Detailed description of the project: ii. objectives and results that the project aims to achieve

OBJECTIVES AND RESULTS THAT THE PROJECT AIMS TO ACHIEVE

The aim of the project is to develop a general theory of retrospective responsibility with 1. an embedding of the theory of retrospective responsibility in a broader theory of social control and 2. a justification of the whole conception and the role of responsibility in it, 3. with clear conditions of retrospective responsibility as well as 4. justification of the individual conditions of retrospective responsibility within this broader theory, furthermore with 5. contributions to the solution of a number of problems regarding

the prerequisites of this theory. 6. Because collective retrospective responsibility usually presupposes prospective responsibility, the project also aims to clarify conditions of collective prospective responsibility.

O1&O2: A COMPREHENSIVE THEORY OF SOCIAL CONTROL AND COOPERATION AND THE ROLE OF RESPONSIBILITY IN IT: Moral and juridical norms, attribution of responsibility, formal and informal sanctions, but also associated institutions such as the legislature, jurisdiction, police and judiciary are part of a huge complex of social control of the actions of the members of society. This system of individual control of action is for the most part beside, but also in some areas overlaps with, the public social organisations of collective action that perform community tasks (such as provision of infrastructure, education, knowledge, social support, medical care, security and defence ...). The system of responsibility criteria and of the attribution of responsibility with the help of these criteria have a specific role within this overall system. Both together, in the best case, serve the general good, which welfare ethics in particular equate with increasing moral desirability. Which measures conducive to the general good should be fulfilled by which of these systems and how is, according to an instrumentalist conception of socially binding morality, a question of higher moral desirability (the shifting of duties of assistance from arbitrary individuals and family members to state institutions, for example, is usually intended as such an improvement). In order to understand the role of responsibility within this system (and possibly to improve the subsystem of responsibility attribution), this system must at least be outlined. Retrospective attribution of responsibility serves above all as a follow-up regulation in the case of violations of duty, in order to deter the violator and the general public (in the case of guilt) from further violations of duty in analogous situations through sanctions, to a large extent through deterrence. The conditions of retrospective responsibility must then be designed to achieve this function in a morally optimal way. Without alternative possibilities of action, for example, no prevention of a (future) breach of duty is possible; sanctions in such cases only inflict damage without achieving any benefit. What exactly "alternative possibilities of action" are, however, does not result metaphysically, but again functionally: How must a decision-making situation, in particular the type of possibilities of action seen in it, be constituted so that the knowledge of previous sanctions generates good chances of steering the decision and its execution in a morally or legally compliant direction?

The outline just developed is taken from a more comprehensive description of the role of retrospective responsibility that has been started (e.g. Lumer 2012; 2018a). *OBJECTIVES 1 AND 2* of the project are to complete this description and to work out the justification for it. The outline here also served to locate the further tasks of the project named below and to show their relevance to the overall project.

O3&O4: CONDITIONS OF RETROSPECTIVE RESPONSIBILITY AND THEIR JUSTIFICATION WITHIN THIS BROADER THEORY: Conditions of retrospective responsibility must be distinguished according to 1. responsibility for actions (action responsibility), 2. for omissions (omission responsibility), 3. for events as a consequence of actions (event responsibility), 4. for the non-occurrence of events (non-event responsibility). The following list of the conditions of action responsibility for an A-doing of s advocated here consists of variants of much-recognised conditions – in simplified formulation:

AR1: OBJECTIVE PART OF THE ACT: That s does A (= a) is an act.

AR2: (WEAKENED) PRINCIPLE OF ALTERNATIVE POSSIBILITIES OF ACTION: ...

AR3: SUBJECTIVE PART OF THE ACT: s does A 1. planned in advance, 2. with the respective goal intention, 3. with the respective means intention, 4. knowingly, 4.1. risk-consciously recklessly or 5. culpably unknowingly.

AR4.1: GENERAL SANITY: ...

AR4.2: CURRENT SANITY: 1. the intention to act *a* stems from *s*'s deliberations, is not caused by hypnosis, for example; 2. *s*'s deliberative capacity at the time of the decision is not below a critical level for the inclusion of morally and legally relevant information.

AR5: NO SHIELDING OF RESPONSIBILITY BY OTHERS RESPONSIBLE: The decision of *s* for *a* was not pre-structured by others in such a way – by structuring 1. the decision situation or 2. the inner conditions of the decision: valuations, factual assumptions, alternative assumptions – that it was subjectively necessitating for *s*.

AR6: REASONABLENESS: ...

These conditions have been largely elaborated in an internal paper. *OBJECTIVES 3 AND 4* of this project are to further specify the aforementioned conditions and to supplement them with parallel conditions for omission, event and non-event responsibility on the basis of justifications via the instrumental conception of retrospective responsibility. The conceptions of event and non-event responsibility still require considerable work on condition 5 (no shielding by the responsibility of others) for the consideration of collective event causation (see below objective 6).

O5: CONTRIBUTIONS TO RESOLVING PROBLEMS REGARDING THE PRECONDITIONS OF THIS THEORY: A complete theory of retrospective responsibility must not only specify and justify the conditions for responsibility, but also ensure that preconditions of this responsibility are fulfilled. *OBJECTIVE 5* of the project is to show for some particularly contentious of these preconditions how they are or can be fulfilled.

O5.1: AUCTORITAS: GENUINE ATTRIBUTABILITY: Responsibility presupposes attributability to the person beyond the respective behaviour. The most demanding conception of this attributability is the so-called ultimate control. Ultimate responsibility in the sense of (ultimate) control even of the determinants of one's own decision is impossible (Strawson 1986; 1994), if only because this is a recursive conception for which, however, no acceptable beginning is defined. Some authors (e.g. van Inwagen) therefore assume that a genuine attribution of responsibility to a person is not possible and that the factual attributions of responsibility are therefore unjust. Against this, one can object that a goal that is not only unattainable but self-contradictory is simply not a rational desideratum. Nevertheless, even a responsibility conception of moral and social action control requires a functional conception of auctoritas in order to identify truly autonomous handles for morally desired control. These handles, so the working hypothesis, are the to some extent rational decisions that are open to being influenced by (moral and legal) imperatives, including the threat of sanctions. This approach to a conception of auctoritas within the framework of the theory of attributive responsibility is to be completed in the project.

O5.2: GUILTLESS GUILT AND UNFAIR PUNISHMENT?: The deep moral problem of attributive responsibility is expressed in the following complaint: "My decision was determined by factors beyond my control. Therefore, I am not really responsible for what I did, and it is unfair to punish me." This critique is not simply aimed at attributive responsibility, but at the broader system by which the social bindingness of moral and legal norms is established, namely the system of attribution of responsibility and punishment. This critique ultimately refers to the entire system of social action control, whose ultima ratio is punishment. This critique is *MORAL*; it criticises the injustice of attributive responsibility and the punishments justified by it. Accordingly, in defending against this objection, the fairness of the system of social action control, which includes attributive responsibility, must be demonstrated. The approach taken in the project to solve this problem is a double moral justification of the (correctly handled) system of

social action control: this system is not only morally better overall than its relevant alternatives, it also has a higher expected desirability for all subjects subject to it than the relevant alternatives; it is therefore not inequitable. This proof, already begun elsewhere (Lumer 2018), is to be completed in the project.

O5.3: (MINIMAL) FREEDOM OF DECISION AS A PREREQUISITE OF RESPONSIBILITY: Many theorists of responsibility assume that retrospective responsibility presupposes freedom of decision. Incompatibilists draw from this the conclusion that with the absence of a substantial indeterminacy of human action not only freedom of decision but also retrospective responsibility is missing. Incompatibilists have then been criticised that, conversely, the indeterminacy of the decision makes the attribution to a person and the usual influencing of decisions by moral reasons and threats of punishment impossible; and incompatibilists have also never been able to clarify what the value of the indeterminacy of the decision is supposed to consist of, while it also, conversely, prevents the guidance of our decisions by rational reasons (Leibniz, Locke). But also a conception of responsibility as part of social control presupposes at least minimal freedom of decision. Apart from alternative possibilities of action and auctoritas, it presupposes the ability to react appropriately to moral reasons and threats of punishment, namely in the sense of the norm and at the same time without reification, incapacitation, automation. Compatibilistically, this is guaranteed by a certain informedness and deliberativity of the decision, i.e. a minimal form of rationality. And according to rationalist theories of freedom, this is already a minimum of freedom of choice (Lumer 2002). In the project, this sketch of a conception of responsibility with freedom of decision will be further developed.

O6: COLLECTIVE RETROSPECTIVE AND PROSPECTIVE RESPONSIBILITY: Contrary to some (too simple) causalist theories of retrospective responsibility, from the fact that 1. our actions cause damage or 2. that damage occurs that we could have prevented by an omitted action, it does not automatically follow that we are responsible for this damage. This fact has especially important consequences for the responsibility for collectively generated / permitted events. 1. For example, not all (potential) harm is prohibited (e.g. driving a car). In some areas of action, the danger of harm is ubiquitous, but the benefit from the potentially harmful actions is particularly great. In such situations, there are indeed permissions to potentially harm others if the risk has been reasonably reduced by precautions, so there is also no criminal responsibility for the actual harming (which occurred despite prescribed precautions), but only civil responsibility with liability. 2. We can prevent a lot of bad things by intervening positively. 2.1 These possibilities of intervention are already in conflict with each other for each subject because they cannot all be realised. 2.2 Even if each subject had to realise only one of its actual possibilities to prevent approximately maximum damage, this would be overdemanding. 2.3 Many harms can be prevented by many persons and groups of persons. To hold them all retrospectively responsible without further ado when the harm occurs would be excessive. (Sartorio 2004) - All these structural conditions suggest that, in order to prevent a senseless proliferation of retrospective responsibility, corresponding duties and prospective responsibilities must first be established before retrospective responsibility can exist (Duff 1998). This is especially true for collective responsibility. (Not seeing this precondition is a problem in the current discussion of retrospective responsibility for climate change and world poverty.) The exact determination of collective prospective responsibility should then also lead to the distribution of collective retrospective responsibility among individuals.

OBJECTIVE 6 of the project is O6.1. first, to contribute to the solution of the problem of collective retrospective responsibility by elaborating the connection between collective retrospective and prospective responsibility. O6.2. Second, the presupposed conditions of collective prospective responsibility itself

shall be clarified by recourse to the phenomenological and hermeneutical justification of responsibility itself.

6.2. CONDITIONS OF COLLECTIVE PROSPECTIVE RESPONSIBILITY: The phenomenological and hermeneutical approach aims at investigating the possibility of a foundation of responsibility in the whole complex of the human person. The question is how is it possible to rediscover the origin of the action in order to define a responsible agent. In this sense the question concerning “who?” puts in light the possible center of a responsible action. Nonetheless that question concerns also the community in an intersubjective dimension. The phenomenological and hermeneutical investigation can contribute to the solution of this problem by trying to find the ontological substratum from which the sense of acting is articulated in its relational dimension. The starting point is the different definition of responsibility in Husserl (1988) (communitarian responsibility). Then the idea of responsibility for “those who are yet to come” in Jonas (1979) will be investigated, from an ethical and foundational point of view. These analyses will be put in relation to both a singular and interpersonal dimension, as well as to the phenomenological ideal of “educational responsibility” (Stein) intended as the place where it is possible to imagine an authentic “renewal” of the “human progress” (Husserl) linking it with the concept of responsibility as “being-for-the-other” exposed by Levinas (1982). This analysis will bring to light new connections between responsibility and recognition not only in the horizon of the Ricoeurian (2005) hermeneutics but also in the dialectical interpretation of responsibility presented in the course of modern ontology.

B.2.iii. Detailed description of the project: iii. interest of the project for the advancement of knowledge

INTEREST OF THE PROJECT FOR THE ADVANCEMENT OF KNOWLEDGE

The theory and conditions of retrospective responsibility are known to be an age-old problem of philosophy and, through the corresponding legal issues, also in very direct public interest (see B.4 below). Despite the age of the discussion, there is a plethora of open problems that the research project attempts to contribute to solving.

1. COMPREHENSIVE THEORY OF SOCIAL CONTROL: A significant research contribution would be (and will be) the planned development of a comprehensive theory of retrospective responsibility within the overarching theory of social control of individual action. For this comprehensive theory would then provide clear criteria and targets for the development of the individual conditions of retrospective responsibility and their functional justification; and it would thus enable very targeted progress in establishing these conditions.

2. INDIVIDUAL CONDITIONS OF RETROSPECTIVE RESPONSIBILITY: This new starting point then also leads to a series of advances in the determination and justification of the individual conditions of retrospective responsibility. Among them are:

2.1 AR3, SUBJECTIVE PART OF THE ACT: A result definitely to be expected with regard to the condition of the subjective part of the act is in particular that the general definition of retrospective responsibility here only provides a scheme for more precise determinations, namely a *SPECTRUM* of possible conditions that must be adapted to individual facts according to different degrees of severity of misconduct (the more serious the degree of misconduct, the lower the subjective part of the act required for responsibility), and this already in the individual associated norms of action.

2.2 *AR5, SHIELDING*: The same applies to the shielding condition: Not only is there a complete lack of systematic treatment, definition and justification of the many ramifications of this condition, especially that of collective responsibility, but the research on this point also leads to the insight that the definition of retrospective responsibility presupposes the definition of obligations and prospective responsibility. This implies negatively that the vast majority of approaches to a theory of retrospective responsibility, which attempt to determine retrospective responsibility without this precondition, cannot lead to success.

2.3. *A4.2: CURRENT SANITY*: Through the systematic justification, the project can also provide a functional and clear definition of current sanity and thus replace the hitherto mere enumerations of the (incomplete and partly obscure) conditions for insanity.

3. *PREREQUISITES OF CONSEQUENTIALIST THEORIES*: Also with regard to the problems in the area of presuppositions of consequentialist theories, the comprehensive justificatory approach of the theory to be developed provides a strong starting point for solving important open questions in the current discussion. This applies, for example, to the discussion of the historical versus presentist conditions of *AUCTORITAS* (e.g. Fischer 2021; Haji 1998; Mele 2019; 2021): Historical components are necessary for the eventual shielding of responsibility, whereas presentist conditions are necessary for present sanity. *GUILTLESS GUILT*: The charge of guiltless guilt (Pothast 1980) has so far been an open flank of compatibilist theories of retrospective responsibility to objections from incompatibilists. This open flank is closed by the strong double moral justification of retrospective responsibility.

B.2.iv. Detailed description of the project: iv. methods of dissemination of the results achieved (492z)

METHODS OF DISSEMINATION OF THE RESULTS ACHIEVED

The project results will be disseminated through publication in top peer-review journals, monographs, and edited volumes. In-person (or online, depending on the global situation) dissemination of the results will include, as anticipated above, an international conference with renowned and young researchers as well as some members of the research project, presenting the results on conferences abroad, and public events for the general public.

B.3. Project development, with identification of the role of each research unit, with regards to related modalities of integration and collaboration (Max. 10.000 characters. Tatsächlich: 9260z.)

1. STRUCTURE OF TASKS AND DISTRIBUTION OF WORK:

The group that prepared the research project set itself six objectives, as explained above:

O1: Outline a comprehensive theory of social moral control;

O2: Development and justification of a global theory of retrospective responsibility as part of the overall complex of social control;

O3 & O4: Development and justification of the individual conditions of retrospective responsibility;

O5: Clarification of essential conditions for retrospective responsibility and proof of their fulfilment;

O6: Development and justification of conditions of collective prospective responsibility.

The preparatory work for achieving these goals varies greatly, some already relatively far, namely for O1, O2, O5; achieving the other three goals, O3&O4 and O6, on the other hand, requires considerably more effort, despite the preparatory work already existing there as well. These two priority themes are each assigned to one of the two local units: Siena: O3&O4; Perugia: O6. The research topics O1, O2 and O5, which have already been advanced more, are all being worked on by the Siena group.

In fact, the two groups of research topics are to some extent separated, so that they can be dealt with largely independently of each other, which also makes the clear division between the two local research groups possible: Prospective responsibility systematically precedes retrospective responsibility to a large extent; in this respect, the justification and content of retrospective responsibility does not need to take extreme account of the conditions of retrospective responsibility - except that the prospective responsibility of groups must be distributed fairly precisely among small units, preferably individuals. Conversely, retrospective responsibility presupposes corresponding prospective responsibility in each case, and this applies in particular to collective retrospective responsibility - this is, after all, one of the central theses of the project -; but once the areas and contents of collective prospective responsibility have been clarified and individualised as far as possible, this responsibility should be specified to such an extent and assigned to individuals or clearly subdivided legal subjects that the classical conditions of the four types of individual responsibility (responsibility of action, of events, responsibility of omission and responsibility of non-events) can be applied to these individuals. This means that the theory of retrospective responsibility no longer needs to develop fundamentally new ways and criteria of attributing responsibility.

However, because the imbalance in the distribution of tasks between the two local groups remains considerable, and above all because for some conditions of retrospective responsibility (especially the causal attribution of events, including collectively generated events, and shielding) the theoretical field is very broad and a great deal of specialised literature is available, the Siena group would like to rely on the collaboration of a post doc (assegnista) to be newly recruited and fully available for the project.

For deeper internal scientific coordination and discussion, an INTERNAL WORKSHOP of the two local units is planned in the project, around mid-term. External cooperations already exist with researchers from a number of domestic and foreign universities. In order to further expand the network of external cooperations, but above all to get more ideas for solving open problems and to disseminate the already achieved results internationally, an INTERNATIONAL CONFERENCE with renowned and young researchers as well as some members of the research project is also planned towards the end of the project's term (but still before the publication of the results).

2. ADDRESSING THE INDIVIDUAL TASKS

O1: OUTLINE OF A COMPREHENSIVE THEORY OF SOCIAL MORAL CONTROL: Commandments and prohibitions with threats of sanctions, attribution of responsibility and punishments belong to a comprehensive system of social moral control of action, which also includes institutions and organisations (Hardin 1988). A central part of this theory, a theory of moral duties, has already been elaborated and can be published (published preliminary work on this in: Lumer 2002b); an outline on the distribution, delimitation and limitation of individual duties has already been published (Lumer 2021). For the project, only a SKETCH of a comprehensive theory of social moral governance is needed. The missing parts are to be elaborated through an idealising-hermeneutic analysis of particularly instructive historical developments in this field that can be interpreted as progress, e.g.: the historical process on the one hand of imposing ever new duties on individuals and formalising these duties, on the other hand the simultaneous relief of individuals by transferring their already existing obligatory tasks to community-based organisations. These phenomena reveal a general tendency to expand the field of socially induced moral improvement through ever new instruments of action control. Within the theory then, these are added to the already existing list, evaluated, and their interdependencies are described.

O2: DEVELOPMENT AND JUSTIFICATION OF A GLOBAL THEORY OF RESTROSPECTIVE RESPONSIBILITY as part of the overall complex of social governance: For this sub-project, too, much preliminary work has already been completed, some of it also published: Lumer 2012; 2018a. For the further development and completion of these pieces of theory, an idealising-hermeneutic analysis of the historical development of retrospective responsibility, which reveals the positive value of the individual conditions of responsibility, helps here as well. Instructive, for example, is the historical individualisation and subjectivisation of retrospective responsibility (Bayertz 1995), which not only allows for greater precision of social control while reducing collateral damage (e.g. punishment of non-involved clan or ingroup members), but also means the simultaneous creation of a legally sovereign individual. In contrast, technical-constructive methods are to be used to work out solutions to current problems such as the diffusion of responsibility in large, especially international organisations.

O3 & O4: DEVELOPMENT AND JUSTIFICATION OF THE INDIVIDUAL CONDITIONS FOR RETROSPECTIVE RESPONSIBILITY: For this part of the project, too, there is already considerable preliminary work, in particular a largely completed elaboration of the conditions for action responsibility (in an internal paper) and published contributions on the condition of the subjective act component in view of phenomena studied in recent action psychology and physiology such as automatic actions, unconscious motives and antecedent readiness potentials (Lumer 2014; 2017; 2019). The still open specification of the conditions of retrospective omission, event and non-event responsibility is also to be substantially achieved through an idealising-hermeneutic analysis of the precise conditions of the corresponding LEGAL responsibility.

O5: CLARIFICATION OF ESSENTIAL PRECONDITIONS OF RETROSPECTIVE RESPONSIBILITY AND PROOF OF THEIR FULFILMENT: In this task, too, there are a number of preliminary works that have already been published but are still incomplete overall, especially on the moral justification of the attribution of responsibility and punishment despite causal determinacy and on the existence of the minimal freedom of choice presupposed for responsibility (Lumer 2002a; 2018a; 2018b. These theories need further elaboration. So far, the least worked on is the problem of auctoritas, especially given the historical determinacy and thus possible externality of key decision determinants. The technical-constructive analysis with a view to the meaning of retrospective responsibility should solve this problem, borrowing from Dennett (1984).

O6: DEVELOPMENT AND JUSTIFICATION OF CONDITIONS OF COLLECTIVE PROSPECTIVE RESPONSIBILITY: The Perugia group plans to proceed in three stages. 1. Given that the purpose of our research group is to describe, according to the phenomenological method, the formation of the concept of responsibility and its meaning for human progress, the first step consists in identifying the need for its urgent anthropological retraction and application in ethics. Starting from Jonas and the idea of a "responsibility for those who will come", we have set up a research group on the theme "person, ethics, responsibility" which, in recent years, has produced the following publications, relating to ontology and 'ethics: Valori 2019; Ghigi 2019; 2021; Casucci 2019; Moschini 2021. 2. The second step, therefore, on the basis of these common interests intends to find a concrete proposal that can update the ethics of responsibility in depth in the first moment. 3. The proposals will then flow into a text prepared by the unit which will propose its clarification in an international congress that will serve as a comparison and expression of this fundamental issue. Above all, we will insist on the aforementioned concept of formation (Bildung) which we will consider at the basis of the new paradigm of responsibility as authentic human progress.

B.4. Possible application potentialities and scientific and/or technological and/or economic impact

GENERAL PRELIMINARY REMARK: Philosophical research contributions such as the one to be developed in the PRIN project do not as a rule provide direct contributions to technical or economic development. However, they can be important contributions to the questions discussed in the general educated public and thus serve the general political and cultural orientation of this public if they provide orientation-relevant results. This is the case with a number of the research results expected from the project.

1. *RETROSPECTIVE RESPONSIBILITY DESPITE DETERMINACY:* The question of what influence the results of neuroscience and cognitive science should have on our conception of retrospective responsibility and its implementation, especially in penal but also political practice, is also discussed in the general educated cultural public. And a very widespread attitude is that the determinacy evidenced by the empirical results makes the conception of retrospective responsibility obsolete because we cannot decide and act otherwise (Poethast 1980). At the very least, there is considerable uncertainty about the possibility of responsibility with simultaneous determinacy, which is driven by approaches to the discussion of responsibility based on incompatibilism. This tendency to deligitimise the current system of attributing responsibility and punishment, which reaches into legal circles, also leads to a reduction or even complete lack of support for this system, although this system is dependent on this support. Pointing out that our criminal justice system is compatibilist, i.e. not affected by a confirmation of determinacy, is not enough to counteract the decline in support, because it is precisely the legitimacy of this system that is in question. The delegitimising effect of the empirical results of neuroscience and cognitive science is of course based on the very widespread, mostly rather naive and taken for granted and seemingly simple assumption of incompatibilism in the theory of freedom and responsibility, in the field of responsibility theory not infrequently reinforced by the argument of guiltless guilt and a vague idea of ultimate control as a prerequisite of retrospective responsibility; compatibilist proposals are hardly known - in many cases not even among philosophers. However, the prevalence of incompatibilist assumptions in the common (especially upscale) public is not simply a consequence of the lack of dissemination of compatibilist and, in the area of responsibility, consequentialist conceptions, but also of the fragmentary state and the insufficient theoretical elaboration of these conceptions, including good answers to the argument of blameless guilt and the idea of ultimate control, which is why these alternative solution approaches are not understood. The development of a comprehensive conception from one mould planned in the project is therefore also a contribution to helping the system of attribution of responsibility, punishment and deterrence regain more legitimacy and public support. If successful, the project applied for could provide the prerequisites for eliminating the theoretical deficit and for developing a handy theory that has a chance of being understood by the broader public and also by the academics of the non-philosophical disciplines involved, as well as representing a major step forward in scientific terms.

2. *GLOBAL RESPONSIBILITY:* In the course of globalisation and the resulting accelerated industrialisation, especially in developing countries, questions of collective retrospective and prospective responsibility have arisen, which result from the multiplication of negative side effects (retrospective responsibility) – climate change and environmental destruction in the Third World, extinction of species, plastic waste, epidemics, exploitation at the workbenches of this world, still existing global poverty ... – alongside the desired positive consequences, but also from the multiplied possibilities of worldwide

intervention (prospective responsibility) due to globalisation. In this area, there is a considerable need for clarification, including political clarification, regarding individual and collective retrospective and collective responsibility, to which the project attempts to make important contributions. Some of these contributions include:

2.1. COLLECTIVE RESPONSIBILITY: Discussions on these questions of responsibility are also held institutionally and politically: Which countries or organisations must do what and why? What role do historical causes play in current responsibility and current obligations to act? Theories that answer these questions are therefore of the highest practical relevance because, at least after further elaboration, they say something concrete about the duties of the individual actors.

2.2. INDIVIDUAL RESPONSIBILITY: On the one hand, the project provides clarification that there is also individual responsibility in these areas, (i) causally and retrospectively - contrary to the sorites arguments often put forward in philosophical and public argumentation that individual action or inaction can have no effect (Fanciullo 2020; Gesang 2017; Nefsky 2015; Sinnott-Armstrong 2005) - namely by recourse to quite quantifiable statistical consequences of one's own actions (on the basis of analyses of and specification of the condition ER1 (objective part of the act) in event responsibility), and (ii) prospectively - contrary to the argument of the complete structural novelty and normative unregulatedness of the situation - by recourse, among other things, to the rather universally recognised *inter alia* to the rather universally recognised prohibition of harming others (*neminem laedere*), which is relevant for environmental damage. On the other hand, it follows from the comprehensive theory of social action control to be developed in the project that, in order to comply with the (also individual) prohibition of harm in the area of environmental damage, systemic and thus collective solutions (conversion of energy and transport systems, more efficient modes of production, etc.) are much more effective and efficient than individual options for action (such as limiting consumption and compensation). The project would thus clarify political responsibilities, namely that individuals, in the interest of a more effective and efficient way of complying with the prohibition of harming, should urge political actors to enforce such far-reaching systemic solutions, also in international coordination. In the case of problems such as global poverty and, in part, exploitation in developing countries, the situation is different again, because there - contrary to widespread views and arguments put forward in particular by representatives of developing countries - there is for the most part neither retrospective responsibility nor strong applicable norms of a universal duty to help: Retrospective responsibility for these miseries does not result directly from the mere existence of possibilities of prevention according to the conditions of non-event responsibility - contrary to act utilitarian assumptions (Singer 1972) - but presupposes a corresponding positive norm and duty. And such a positive and strong norm and duty, such as a universal international commandment to help, does not exist (contrary to e.g. Singer 2009/2019). However, the comprehensive theory of social control to be developed in the project envisages a weak prospective responsibility of individuals in this area to engage in moral political commitment for a historical moral improvement of the existing stock of social norms. Exemplary action that anticipates such normative requirements is itself one of the ways to fulfil this prospective responsibility.

3. RESPONSIBILITY OF ROBOTS: Robotics is advancing, robots are becoming more autonomous. So far, it is clear that robots cannot be responsible beings, rather their users and manufacturers are responsible for their actions. But robots are becoming more intelligent and independent of clear orders, also through Deep Learning. The discussion about possible rights of robots has already begun (Gladden 2019). A parallel discussion about the possible responsibility of robots is pending (Loh

2019). This discussion then presupposes not only very precise conditions of responsibility, but also, because of the questions of transferability to the circumstances of robots that are certain to arise quickly, a comprehensive theory of the meaning of responsibility and of its attribution – such as the project is intended to provide.

B.5. Financial aspects: costs and funding for each research unit

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