



Max Planck Research Group
Criminal Law Theory

BLAME FOR IGNORANCE?

PERSPECTIVES ON WILLFUL BLINDNESS
AND MISTAKES OF FACT

5–7 SEPTEMBER 2024

Fürstenbergstr. 19, 79102 Freiburg
Seminar Room and online



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



Blame for Ignorance?

Perspective on Willful Blindness and Mistakes of Fact

Workshop, September 5-7, 2024, Max Planck Institute for the Study of Crime, Security and Law

INTRODUCTION

Can a person be blamed for turning a blind eye to the circumstances of his or her conduct? There is no clear answer to this question and yet it determines acquittal or conviction in cases involving crimes such as terrorism, rape, drug trafficking, and money laundering. Even a conviction for crimes against humanity may be secured by blaming someone for ignorance; the same rationale applies to responsibility within corporations or military groups. From 5–7 September 2024, we would like to discuss this question and the perspectives on willful blindness and culpable mistakes of fact in a workshop jointly organized by the Max Planck Institute for the Study of Crime, Security and Law, Freiburg and the University of Göttingen. Cutting through the fields of philosophy, criminal theory, and criminal procedure, the workshop will address the theoretical, doctrinal, and practical issues of (culpable) mistakes of fact. By bringing together scholars from different civil law and common law jurisdictions, the workshop will provide a platform for a lively international and interdisciplinary debate on these issues.



THURSDAY, 5 SEPTEMBER 2024

09:00–09:30 **Welcome and Introduction**
Philipp-Alexander Hirsch (Freiburg) & Alexander Heinze (Göttingen)

Thematic Section I: Preconditions for the Treatment of Mistake of Fact in Criminal Law and Criminal Justice

09:30–10:00 **The Role of Mistakes in Criminal Law Doctrine**
Tatjana Hörnle (Freiburg)

Response
Matthew Dyson (Oxford)

Thematic Section II: Moral Principles and Problems of the Willful Ignorance-Doctrine

10:30–11:00 *Coffee Break*

11:00–12:00 **Mens Rea Imputation, Rule of Law and Willful Ignorance as Evasion**
Alexander Sarch (Surrey)

Response
John Child (Birmingham)

12:00–13:00 **Willful ignorance as a problem of rationality**
Jochen Bung (Hamburg)

Response
David Luban (Washington)

13:00–14:30 *Lunch Break*

14:30–15:30 **‘Should Have Known’ Isn’t Good Enough: Why Culpable Ignorance Requires Awareness**
Daniel Miller (Morgantown)

Response
Levin Güver (London)

15:30–16:00 *Coffee Break*

Thematic Section III: Epistemic Principles about Knowledge and Ignorance

16:00-17:00 **How could you be so blind?**

Antony Duff (Stirling)

Response

Milan Kuhli (Hamburg)

17:00-18:00 **Community Views & Criminal Minds**

Michael Serota (Los Angeles)

Response

JP Fassnidge (Aberdeen)

19:00

Dinner

FRIDAY, 6 SEPTEMBER 2024

9:00-10:00

Varieties of Ignorance and Why They Matter

Rik Peels (Amsterdam)

Response

Claudia Wittl (Freiburg)

10:00-10:30

Coffee Break

Thematic Section IV: Procedure, Evidence and Proof

10:30-11:30

Procedural determination of intent despite a perpetrator's ignorance?

Christoph Wolf (Wiesbaden)

Response

Paul Roberts (Nottingham)

11:30-12:30

Function of Mens Rea and Evidence Standards

Manuel Cancio Meliá (Madrid)

Response

Frank Bleckmann (Freiburg)

PROGRAMM

12:30-14:00 *Lunch Break*

14:00–15:00 **Common Law Willful Blindness/Blame for Ignorance**
Stephen Morse (Philadelphia)

Response
Julia Geneuss (Bremen)

Thematic Section V: Willful Ignorance, Recklessness and Dolus Eventualis

15:00–16:00 **Is there a place for willful blindness in civil law systems?**
Ramon Ragués Vallès (Barcelona)

Response
Luís Greco (Berlin)

16:00-16:30 *Coffee Break*

16:30-17:30 **Transplanting willful ignorance as dolus into continental doctrine**
Svenja Schwartz (Freiburg)

Response
Ivó Coca-Vila (Barcelona)

17:30-18:30 **Mens rea in review: A comparative analysis of crass and willful ignorance**
Gabriel Pérez Barberá (Buenos Aires)

Response
Sandra Marshall (Stirling)

19:00 *Dinner*

SATURDAY, 7. SEPTEMBER 2024

09:30–10:30 **Excuse Theory in International Criminal Law**
Elies van Sliedregt (Tilburg)

Response
Antonio Coco (Essex)

- 10:30–11:00** *Coffee Break*
- 11:00–12:00** **Ignorantia affectata, crassa et supina: The roots of willful ignorance in the Continental ius commune**
Carl-Friedrich Stuckenberg (Bonn)
- Response**
Georgia Stefanopoulou (Hannover)
- 12:00–13:00** **The Crime of Being in Charge: Willful Ignorance Applied in Economic Criminal Law**
Beatriz Goena Vives (Barcelona)
- Response**
Kilian Wegner (Frankfurt a.d.O.)
- 13:00** **Closing Remarks**
Philipp-Alexander Hirsch (Freiburg) & Alexander Heinze (Göttingen)

ORGANISATION

- Time:** 5.–7. September 2024
- Venue:** Max Planck Institute for the Study of Crime, Security and Law,
Günterstalstraße 73, 79100 Freiburg i. Br.
Online participation is possible.
- Host:** Independent Research Group „Criminal Law Theory“ in
cooperation with the University of Göttingen
- Contact:** strafrechtstheorie@csl.mpg.de
Dr. iur. Dr. phil. Philipp-Alexander Hirsch
Svenja Schwartz, LL.M. (UNICRI/UPeace)
Dr. Alexander Heinze, LL.M. (TCD)
- Further information and registration** <https://csl.mpg.de/en/ignorance>

