diritto & questioni pubbliche

Bibliografia su alcuni problemi teorici circa le concezioni della persona

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Introduzione

La bibliografia che segue affronta una particolare questione circa le concezioni della persona nella filosofia politica e del diritto d'area anglosassone. Il nodo problematico riguarda la nozione di responsabilità per scelte e comportamenti di un soggetto. Il problema è, quindi, quello di individuare come possiamo parlare di libera scelta, delle cui conseguenze i singoli agenti sono responsabili, pur in presenza di necessari ed inevitabili, nessi di causalità che stanno alla base dei comportamenti individuali e collettivi. In questo modo si è andati all'origine di molte discussioni ormai classiche di filosofia morale, politica, e del diritto circa nozioni di giustizia distributiva, fortuna morale, inabilità fisica o psichica, dipendenza, costrizione e merito. Tutti questi nodi problematici, infatti, rimandano alla questione circa la nozione di libertà individuale, nozione che si ottiene dall'analisi dei concetti di necessità (si è liberi perché si sfugge a nessi inevitabili di causalità) e di responsabilità, d'imputazione di un atto ad una volontà che si autodetermina. Come si vede, quindi, l'oggetto di questa bibliografia ritorna nelle discipline politico-giuridiche come un tema ineludibile che, tuttavia, viene tradotto in diversi modi, secondo i differenti campi scientifici di riferimento. Questi ultimi si collegano strettamente poiché è ormai affermata la tendenza, nella filosofia della morale, della politica e del diritto, a mettere in relazione la questione dei diritti individuali e dei doveri che i poteri pubblici hanno nei confronti dei cittadini, con un quadro concettuale di riferimento riguardo ai poteri, d'autonomia e di deliberazione, e ai limiti, fisici e di razionalità, del soggetto agente. In questo modo il dibattito circa il "libero arbitrio" si presenta, come vedremo, alla stregua di una questione metateorica generale (parte prima della bibliografia) dalla quale le tre discipline in oggetto sviluppano diversi ambiti problematici. È chiaro, quindi, perché la prima voce della ricerca sia la più nutrita. Essa, infatti, intende presentare le diverse letture delle nozioni di libertà, necessità, responsabilità che rivedremo, non più analizzate, ma per lo più assunte per via stipulativa o convenzionale, nelle altre voci della bibliografia.

Il dibattito, pur nella sua vastità, può essere ridotto a tre soluzioni:

– compatibilista (la nozione di libero arbitrio è compatibile con quella di necessità causale),

– incompatibilista (la nozione di libero arbitrio è incompatibile con quella di necessità causale).

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Questa seconda soluzione è fonte di due sottotesi:

– incompatibilista pessimista (non siamo liberi, ma ci illudiamo di esserlo),

– incompatibilista libertaria (siamo liberi, nel senso che non possiamo non pensare di esserlo).

Una terza soluzione è quella "psicologista" che afferma che il problema non è filosofico, ma psicologico: se ragioniamo sulla questione non possiamo arrivare a soluzioni univoche, ma ci aspettiamo d'essere liberi per giudicare le azioni altrui, per ridurre le incertezze. Queste soluzioni, sia quelle meramente filosofiche sia quelle "psicologiche", sono presenti nei problemi che dalla questione principale derivano (il rapporto tra necessità e libertà) e che occupano le sezioni seguenti dell'indagine.

La discussione circa la nozione di responsabilità è di particolare interesse per il diritto, in quanto essa concerne il problema del processo d'imputazione di un atto- o meglio delle qualità giuridicamente rilevanti di un atto- e delle sue conseguenze ad una persona, fisica o giuridica. Per il diritto, tuttavia, si può essere imputabili anche senza essere responsabili (devo restituire una somma di cui sono stato beneficiario in modo illegittimo anche se non l'avevo mai chiesta) e senza essere causa efficiente di un evento (come nel caso della "responsabilità oggettiva"). Allo stesso modo, la discussione in filosofia del diritto cerca di mettere da parte la questione del libero arbitrio considerandola esclusivamente un problema filosofico. Il diritto, come pratica sociale istituzionalizzata, considera i consociati giuridici come perfettamente capaci di agire in modo "responsabile". Il problema del libero arbitrio viene risolto in modo convenzionale, accettando la soluzione psicologista: la scienza del diritto non studia cosa sia "realmente" l'uomo, la persona, ma analizza soltanto i caratteri che l'ordinamento attribuisce ai consociati giuridici (cioè che cosa ogni individuo si aspetta dagli altri).

La terza parte della bibliografia inerisce ad un problema che solo di recente è diventato centrale- pur essendo costantemente richiamato nella Grecia classica e nei topoi della tragedia- nel dibattito di filosofia della politica e di filosofia morale. Il tema è quello della nozione di "fortuna". Ci si domanda, infatti, in che termini il caso possa essere rilevante nella valutazione del carattere morale di una persona, se cioè la nostra capacità d'essere individui "virtuosi" sia una caratteristica frutto non di scelta ma di semplice "fortuna", di circostanze di cui non siamo responsabili. In altre parole, ci si chiede se alla base dei nostri comportamenti "morali" si possa riscontrare un elemento necessitante, la fortuna appunto, che, quindi, è moralmente "irrilevante". Tale domanda si pone anche nell'ambito della filosofia della politica riguardo alla nozione di giustizia distributiva. Sin da Una teoria della giustizia si considera il caso un elemento non rilevante nella distribuzione dei beni. Tuttavia, moltissime nostre scelte portano a conseguenze determinate dal caso. Inoltre, queste stesse scelte sono dovute alla dotazione di talenti, capacità, che sempre il caso ha fatto in modo di essere a nostra disposizione. Compito di una teoria della giustizia è determinare in che modo si possano giustificare politiche che riducano l'impatto del caso. Per fare ciò, questi interventi devono distinguere tra la scelta compiuta responsabilmente (e i suoi effetti) e le circostanze che invece non dipendono dalla volontà

individuale. L'influenza della nozione di fortuna nella valutazione dei caratteri morali, delle nostre azioni, e delle politiche redistributive è dunque il nodo gordiano, ed è altresì lo sfondo sul quale ruota il dibattito circa il valore da riconoscere al "merito", in che termini, cioè, si deve affermare che una distribuzione giusta è quella che riconosce a ciascuno i suoi "meriti". Ci si domanda, insomma, in che modo si possa asserire che "il merito è una circostanza moralmente meritata" senza far cadere il ragionamento valutativo o equitativo in una tautologia.

Il dibattito sulla nozione di fortuna, e di merito, ha in filosofia politica e del diritto una sponda, rilevante nelle discussioni circa la concezione della persona, che concerne il problema della nozione di "disabilità"; quando cioè una circostanza è disabilitante e a quali diritti questo stato di cose è correlato. In questo caso il diritto soggettivo è riconosciuto, o attribuito, in seguito all'insorgenza di una situazione debilitante di cui non è responsabile l'individuo. È tuttavia possibile arrivare a situazioni che inficiano, parzialmente o totalmente, le capacità morali, come capacità intellettive e deliberative, non a causa di un evento disabilitante, ma per condotte che creano "dipendenza". L'ultima sezione della bibliografia è dedicata appunto a problemi circa la natura e la razionalità di tali condotte, se, cioè, sia possibile e lecito che comportamenti individuali creino situazioni di disabilità. In questo modo la questione metateorica del libero arbitrio diventa particolarmente rilevante sia per la filosofia morale che per quella del diritto. Tale questione, infatti, concerne i limiti, morali o giuridici, che si possono stabilire a condotte individuali che possono inficiare, stabilmente o momentaneamente, le nostre capacità deliberative. Ci si domanda, inoltre, in che termini si possa parlare di controesempi alle nozioni giuridiche o morali di responsabilità individuale.

Parte I
Libertà, necessità, responsabilità

ANGLIN W.S., *Free Will and the Christian Faith*, Oxford, Oxford University Press, 1990.

ANSCOMBE G.E.M., "Soft Determinism", in Ryle G. (ed.), *Contemporary Aspects of Philosophy*, Stocksfield, Oriel press, 1976.

ANSCOMBE G.E.M., "Causality and Determination", in idem *Collected Philosophical Papers*, vol. II, Oxford, Basil Blackwell, 1981.

ARMSTRONG D., "The Freedom of the Will", *The Pluralist*, August 1965.

ASHWORTH A.J., "Belief, Intent and Criminal Liability", in Eekelaar J, and Bell J. (eds) *Oxford Essays in Jurisprudence*, 3rd series, Oxford: Oxford University Press, 1987.

AYERS M., *The refutation of Determinism*, London, Metheuen, 1968.

AUDI R., "Moral Responsibility, Freedom, and Compulsion", *American Philosophical Quarterly*, 19, 1974.

AUNE B., "Free Will, 'Can', and Ethics: A Reply to Lehrer", *Analysis*, 1969-1970.

AYER A.J., "Freedom and Necessity", in idem *Philosophical Essays*, London, Macmillan, 1954.

AYER A.J., "Free Will and Rationality", in Van Straaten (1980).

BEEBEE H.; Mele A., "Humean Compatibilism", *Mind*, vol. 111, no. 442, 2002.
BENNET J., "Accountability", in Van Straaten (1980).
BENSON P., "Free Agency and Self-Worth", *Journal of Philosophy*, 91, 1994.
BEROFSKY B. (ed.), *Free Will and Determinism*, New York, Harper and Row, 1966.
BEROFSKY B., *Determinism*, Princeton, Princeton University Press, 1971.
BEROFSKY B., *Freedom from Necessity,* London, Routledge & Kegan Paul, 1987.
BEROFSKY B., "On the Absolute Freedom of the Will", *American Philosophical Quarterly*, 29, 1992.
BEROFSKY B., *Liberation from Self*, Cambridge, Cambridge University Press, 1995.
BLACK S., TWEEDALE J., "Responsibility and Alternative Possibilities: the Use and Abuse of Examples", in *Journal of Ethics*, 6, n. 3, 2002.
BLUMENFELD D., "The Principle of Alternate Possibilities", *The Journal of Philosophy* 67, 1971.
BLUMENFELD D., "Freedom and Mind Control", *American Philosophical Quarterly*, 25, 1988.
BOK H., *Freedom and Responsibility*, Princeton, Princeton University Press, 1998.
BRAND M., WALTON D. (ed.), *Action Theory*, Dordrecht, Holland, D. Reidel, 1976.
BROAD C.D., "Determinism, Indeterminism, and Libertarianism", in Berofsky (1966).

CAMPBELL C.A., "Is "Free Will" a Pseudo-Problem?", *Mind* vol. LX, 1951.
CAMPBELL C.A., *In Defence of Free Will*, London: Allen & Unwin 1967.
CASEY J., "Actions and Consequences", in Casey (1971)
CASEY J. (ed.), *Morality and Moral Reasoning*, London, Methuen, 1971.
CHISHOLM R., "He Could Have Done Otherwise", *Journal of Philosophy*, 1967.
CHISHOLM R., "The Agent as Cause", in Brand- Walton (1976).
CHISHOLM R., "Human Freedom and the Self", in Watson G. (ed.) *Free Will*, Oxford: Oxford University Press, 1982.

DAN-COHEN M., "Responsibility and the Boundaries of the Self", *Harvard Law Review*, 105, 1992.
DAVENPORT J., "Fischer and Ravizza on Moral Sanity and Weakness of Will", in *Journal of Ethics*, 6, n.3, 2002.
DAVIDSON D., *Essays on Actions and Events*, New York, Oxford University Press, 1980.
DENNETT D., *Elbow Room*, Oxford, Oxford University Press, 1984.
DOUBLE R., "Puppeteers, Hypnotists, and Neurosurgeons," *Philosophical Studies* 56, 1989
DOUBLE R., *The Non-Reality of Free Will*, New York, Oxford University Press, 1991.
DOUBLE R., "Determinism and the Experience of Freedom", *Pacific Philosophical Quarterly*, 72, 1991.
DOUBLE R., *Metaphilosophy and Free Will*, Oxford, Oxford University Press, 1996.
DWORKIN G. (ed.) *Free Will and Determinism*, New York, Harper and Row, 1970.
Dworkin G., "Acting Freely", *Nous*, 1970.

Dworkin G., "Autonomy and Behaviour Control", *Hastings Center Reports*, Hastings-on-Hudson, New York, February 1976.

FEINBERG J., *Doing and Deserving*, Princeton, Princeton University Press, 1970.

FINGARETTE H., *Responsibility*, New York, Basic Books, 1967.

FISCHER J.M.(ed.), *Moral Responsibility,* Ithaca, NY, Cornell University Press, 1986.

FISCHER J.M., "Responsiveness and Moral Responsibility", in Schoemann (1987).

FISCHER J.M., *The Metaphysics of Free Will*, Oxford, Blackwell, 1994.

FISCHER J.M., "Recent Work on Moral Responsibility," *Ethics* 110, 1999.

FISCHER J.M., "Responsibility and Self-expression", *The Journal of Ethics,* vol. 3, 1999.

FISCHER J.M., "Problems with Actual-Sequence Incompatibilism (Comments on Robert Kane's Presentation)", *The Journal of Ethics* vol. 4, 2000.

FISCHER J.M., "As go the Frankfurt Examples, so goes Deontic Morality (Comments on Ishtiyaque Haji's Presentation", *The Journal of Ethics,* vol. 4, 2000.

FISCHER J.M., "Responsibility, History and Manipulation", *The Journal of Ethics,* vol. 4, 2000.

FISCHER J.M., "Chicken Soup for the Semi-Compatibilist Soul: Replies to Hadji and Kane", *The Journal of Ethics,* vol. 4, 2000.

FISCHER J.M., RAVIZZA M., "Responsibility, Freedom and Reason. Review of S. Wolf *Freedom within Reason*", *Ethics*, 102, 1992.

FISCHER J.M., RAVIZZA M. (eds.), *Perspectives on Moral Responsibility*, Ithaca, Cornell University Press, 1993.

FISCHER J.M., RAVIZZA M., *Responsibility and Control,* Cambridge, Cambridge University Press, 1998,

FLINT T., "Compatibilism and the Argument from Unavoidability," *The Journal of Philosophy* 84, 1987.

FOLEY R., "Compatibilism and Control over the Past", *Analysis,* 1979.

FOOT. PH., "Free Will as Involving Determinism", *The Philosophical Review*, LXVI, 1957.

FRANKEL PAUL E., MILLER F.D. JR., PAUL J. (eds.), *Responsibility*, Cambridge, Cambridge University Press, 1999.

FRANKFURT H., "Alternate Possibilities and Moral Responsibility", *Journal of Philosophy*, LXVI, n. 23,1969, ristampato in Frankfurt (1988).

FRANKFURT H., "Freedom of the Will and the Concept of a Person", *Journal of Philosophy*, LXVIII, n. 1, 1971.

FRANKFURT H., "Coercion and Moral Responsibility", in Honderich (1973).

FRANKFURT H., "Three Concepts of Free Action", *Proceedings of the Aristotelian Society*, supplementary Volume 1973.

FRANKFURT H., "Identification and Externality", in Rorty A. (ed.), *Identities of Persons*, University of California Press, 1977.

FRANKFURT H., "What We are Morally Responsible for", in Frankfurt (1988).

FRANKFURT H., "Necessity and Desire", *Philosophy and Phenomenological Research*, XLV, n. 1, 1984.

FRANKFURT H., *The Importance of What We Care About*, Cambridge, Cambridge University Press, 1988.

GALLOIS A., "Van Inwangen on Free Will and Determinism", *Philosophical Studies*, 1977.

GLOVER J., *Responsibility*, New York, Humanities Press, 1970.

GOLDMAN A., "The Compatibility of Mechanism and Purpose", *Philosophical Review*, 1969.

GOODMAN L.E., "Determinism and Freedom in Spinoza, Maimonides, and Aristotle: A Restrospective Study", in Schoemann (1987).

GREENSPAN P.S., "Behavior Control and Freedom of Action," *Philosophical Review* 87, 1978.

GREENSPAN P.S., "Unfreedom and Responsibility", in Schoemann (1987).

GREENSPAN P.S., "Free Will and the Genome Project," *Philosophy and Public Affairs* 22, 1993.

GREENSPAN P.S., "Impulse and Self-reflection: Frankfurtian Responsibility versus Free Will", *The Journal of Ethics* vol. 3, 1999.

GRIFFITH R., "The Reality of an Illusion: A Psychology of "As If" Free Will", *Psychology and Phenomenological Reasearch*, 23, 1962.

GRÜNBAUM A., "Free-Will and Laws of Human Behaviour", American Philosophical Quarterly, 8, 1971.

HAJI I., "Moral Responsibility and the Problem of Induced Pro-Attitudes," *Dialogue: Canadian Philosophical Review* 35, 1996.

HAJI I., *Moral Appraisability*, Oxford, Oxford University Press, 1998.

HAJI I., "Control Requirements for Moral Appraisal: an Asymmetry", *The Journal of Ethics* vol. 4, 2000.

HAJI I., Libertarianism and the Luck Objection (Comments on Robert Kane's Presentation), *The Journal of Ethics* vol. 4, 2000.

HAJI I., "Replies to Kane and Fischer", in *The Journal of Ethics* vol. 4, 2000.

HAJI I., "On Responsibility, History and Taking Responsibility (Comments on John Martin Presentation)", *The Journal of Ethics* vol. 4, 2000.

HALL J., *Law, Social Science and Criminal Theory*, Littleton, NH; Fred B. Rothman, 1982.

HAMPSHIRE S., *Freedom of the Individual*, New York, Harper and Row, 1965.

HARE R.M., *Freedom and Reason*, Oxford, Oxford University Press, 1963.

HEIL J., MELE A.R. (eds.), *Mental Causation*, Oxford, Oxford University Press 1995.

HOBART R.E., "Free Will as Involving Determinism and Inconceivable without It", *Mind* 43, 1934.

HONDERICH T., "One Determinism", in Honderich (1973).

HONDERICH T. (ed.), *Essays on Freedom of Action*, London, Routledge and Kegan Paul, 1973.

HONDERICH T., "Determinism and Politics", in *Midwest Studies in Philosophy*, 7, 1982.

HONDERICH, T., *The Consequences of Determinism*, Oxford, Clarendon Press, 1988.

HOSPERS J., "Meaning and Free Will", *Philosophy and Phenomenological Research*, vol. X, 1950.

HOSPERS J., "What means this Freedom?", in Hook S. (ed.), *Determinism and Freedom in the Age of Modern Science*, New York, Collier Books, 1979.

HURLEY E., "Is Responsibility Essentially Impossible?", *Philosophical Studies* 99, 2000.

HURLEY E., "Responsibility, Reason, and Irrelevant Alternatives", *Philosophy and Public Affairs,* vol. 28, n. 3, 2000.

KANE R., *Free Will and Values*, SUNY Series in Philosophy, Albany, State University of New York Press, 1985.

KANE R., *The Significance of Free Will*, New York, Oxford University Press, 1996.

KANE R., "On Free Will, Responsibility and Indeterminism: Responses to Clarke, Haji, and Mele," *Philosophical Explorations* 2, 1999.

KANE R., "Responsibility, Luck, and Chance: Reflections on Free Will and Indeterminism," *The Journal of Philosophy,* 96, 1999.

KANE R., "Free Will and Responsibility, Ancient Dispute, New Themes", *The Journal of Ethics* vol. 4, 2000.

KANE R., "Deontic Acts, Frankfurt-Style Examples, and ' Ought implies Can' (Comments on Ishtiyaque Haji's Presentation)", in *The Journal of Ethics* vol. 4, 2000.

KANE R., "Non-Constraining Control and the Threat of Social Conditioning (Commnets on John Martin Fischer's Presentation)" in *The Journal of Ethics* vol. 4, 2000.

KANE R., "Replies to Fischer and Haji", *The Journal of Ethics* vol. 4, 2000.

KANE R. (ed.) *Free Will. Blackwell reading in Philosophy*, Oxford, Blackwell, 2001.

KANE R. (ed.), *Handbook of Free Will*, New York, Oxford University Press, 2002.

MCKENNA M.S., "Alternative Possibilities and the Failure of the Counterexample Strategy," *Journal of Social Philosophy* 28 (1997),

KENNY A.J.P., *Will, Freedom, and Power*, Oxford, Basil Blackwell, 1976.

KENNY A.J.P., *Freewill and Responsibility*, London, Routledge & Kegan Paul, 1978.

KLEIN M., *Determinism, Blameworthiness, and Deprivation*, Oxford, Oxford University Press, 1994.

LAMB J.W., "On a Proof of Incompatibilism", *Philosophical Review*, 1977.

LEHRER K.(ed.), *Freedom and Determinism*, New York, Random House, 1966.

LEHRER K., "'Can' in Theory and Practice: A Possible Words Analysis", in Brand-Walton (1976).

LOCKE D., "Three Concepts of Free Action", *Proceedings of the Aristotelian Society*, supplementary volume 1975.

LONG R., "The Irrelevance of Responsibility", in Frankel Paul, Miller Jr., Paul (1999).

LUCAS J.R., *Responsibility*, Oxford: Oxford University Press, 1993.

MACINTYRE A.C., "Determinism", *Mind*, 1957.

MATSON W., "On the Irrelevance of Free-Will to Moral Responsibility and the Vacuity of the Latter", *Mind*, 65, 1956.

MELDEN A., *Free Action*, London, Routledge & Kegan Paul, 1961.

MELE A.R., *Springs of Action: Understanding Intentional Behaviour*, Oxford, Oxford University Press, 1992.

MELE A.R., *Autonomous Agents*, New York, Oxford University Press, 1995.

MELE A.R., Robb D., "Rescuing Frankfurt-Style Cases," *The Philosophical Review* 107, 1998,

MONTMARQUET J., *Epistemic Virtue and Doxastic Responsibility*, Lahman Md., Rowman & Littledield, 1993.

MONTMARQUET J., "Zimmerman on Culpable Ignorance", *Ethics*, 109, 1999.

MORGENBESSER S., WALSH J.J. (ed.), *Free Will*, Englewood Cliffs, Pranctise hall, 1962.

MOORE M.S., "Causation and Responsibility", in Frankel Paul, Miller Jr., Paul (1999).

MORRIS H. (ed.), *Freedom and Responsibility*, Stanford, Stanford University Press, 1961.

NAGEL, T., 'Moral Luck', *Proceedings of the Aristotelian Society, supplementary vol.* 50, 1976, ristampato in idem *Mortal Questions*, Cambridge: Cambridge University Press, 1979.

NARVESON J., "Compatibilism Defended", *Philosophical Studies*, 1977.

NEELY W., "Freedom and Desire," *Philosophical Review,* 83, 1974,

NORRIE A., "Free Will, Determinism and Criminal Justice", *Legal Studies*, 3, 1983.

NOWELL- SMITH, P.H. "Freewill and Moral Responsibility", *Mind*, LVII, 1948.

NOZICK R., *Philosophical Explanation*, Cambridge Mass., Harvard University Press, 1981.

O'CONNOR T., *Agents, Causes and Events*, New York, Oxford University Press, 1995.

OTSUKA M., "Incompatibilism and the Avoidability of Blame," *Ethics,* 108, 1998.

OSHANA M.A.L., "The Misguided Marriage of Responsibility and Autonomy", *Journal of Ethics*, 6, n.3, 2002.

PEARS D., *Freedom and the Will*, London, MacMillan & Co., 1963.

PEREBOOM D., *Living without Free Will,* Cambridge, Cambridge University Press, 2001.

PETTIT P., "Determinism with Deliberation", *Analysis*, 49, 1989.

RÉE P., "Determinism and the Illusion of Moral Responsibility", in Edwards P., Pap A. (eds.), *A Modern Introduction to Philosophy*, New York, Free Press, 1973.

RUSSELL P., "Sorabji and the Dilemma of Determinism", *Analysis*, 44, 1984.

RUSSELL P., "Strawson's way of Naturalizing Responsibility", *Ethics*, 102, 1992.

RUSSELL P., *Freedom and Moral Sentiments*, New York, Oxford University Press, 1995.

SABINI J., SILVER M., "Emotions, Responsibility, and Character", in Schoemann (1987).

SCANLON T.M., *What We owe to Each Other*, Cambridge. Mass., Belknap Press, 1998.

SCHIFFER S., "A Paradox of Desire", *American Philosophical Quarterly*, 1976.

SCHOEMANN F. (ed.) *Responsibility, Character and Emotions*, Cambridge, Cambridge University Press, 1987.

SHATZ D., "Free Will and the Structure of Motivation", Midwest Studies in Philosophy, 10, 1986.

SIDERITS M., "Beyond Compatibilism: A Buddhist Approach to Freedom and Determinism", *American Philosophical Quarterly*, 24, 1987.

SLOTE M., "Free Will, Determinism, and the Theory of Important criteria", *Inquiry*, 1969.

SLOTE M., "Understanding Free Will," *Journal of Philosophy*, 77, 1980.

SLOTE M., "Ethics without Free-Will", *Social Theory and Practice*, 16, 1990.

SMART J.J.C., "Free-Will, Praise and Blame", *Mind*, 70, 1961.

SMILANSKY S., "Egalitarian Justice and the Importance of the Free Will Problem", *Philosophia* 25, 1997.

SMILANSKY S., *Free Will and Illusion*, Oxford, Oxford University Press, 2000.

SORABJI R., *Necessity, Cause and Blame; Perspectives on Aristotle's Theory*, Cornell University Press, 1980.

STADDON J., "On Responsibility in Science and Law", in Frankel Paul, Miller Jr., Paul (1999).

STERN L., "Freedom, Blame, and Moral Community", *Journal of Philosophy*, 1974.

STRAWSON G., *Freedom and Belief*, Oxford, Clarendon Press, 1986.

STRAWSON G. "The Impossibility of Moral Responsibility," *Philosophical Studies* 75, 1994

STRAWSON G., "The Bounds of Freedom", in Kane (2002).

STRAWSON P., *Freedom and Resentment*, London, Methuen, 1974.

STUMP E., "Intelellect, Will, and the Principle of Alternate Possibilities", in Fischer-Ravizza (1993).

STUMP E., "Libertarian Freedom and the Principle of Alternate Possibilities," in Snyder H.D. and Jordan J.(eds.), *Faith, Freedom, and Rationality,* London, Rowman and Littlefield, 1996.

STUMP E., "Alternative Possibilities and Moral Responsibility: the Flicker of Freedom", *The Journal of Ethics* vol. 3, 1999.

THORP J., *Free Will: A Defense Against Neurophysiological Determinism*, London, Routledge & Kegan Paul, 1980.

TRUSTED J., *Free Will and Responsibility*, Oxford, Oxford University Press, 1984.

VAN INWAGEN P., "Reply to Narveson", *Philosophical Studies*, 1977.

VAN INWAGEN P., "Reply to Gallois", *Philosophical Studies*, 1977.

VAN INWAGEN P., "Ability and Responsibility", *Philosophical Review*, 1978.

VAN INWAGEN P., *An Essay on Free Will*, Oxford, Clarendon Press, 1983.

VAN INWAGEN P., "When Is the Will not Free?", *Philosophical Studies* 75, 1994.

VAN INWAGEN P., "When Is the Will Free?" in O'Connor T. (ed.), *Agents, Causes, and Events: Essays on Indeterminism and Free Will*, New York and Oxford, Oxford University Press, 1995.

VAN INWAGEN P., "Fischer on Moral Responsibility," *The Philosophical Quarterly,* 47, 1997.

VAN INWAGEN P., "Moral Responsibility, Determinism, and the Ability to do Otherwise" *The Journal of Ethics,* vol.3 1999.

VAN STRAATEN Z. (ed.), *Philosophical Studies*, Oxford, Clarendon Press, 1980.

WALLACE R.J., *Responsibility and the Moral Sentiments,* Cambridge, MA: Harvard University Press, 1994.

WALLER B., "Free Will Gone Out of Control," *Behaviorism* 26, 1988.

WALLER B., *Freedom without Responsibility*, Philadelphia, Temple University Press, 1990.

WALTER E., "Is Libertarianism Logically coherent?", *Philosophy and Phenomenological Research*, 38, 1978.

WARFIELD T.A., "Determinisn and Moral Responsibility are Incompatible", *Philosophical Topics*, 24, 1996.

WATSON G., "Free Agency", *Journal of Philosophy*, 72, 1975.

WATSON G., "Skepticism about Weakness of the Will", *Philosophical Review*, 1977.

WATSON G., "Soft Libertarianism and Hard Compatibilism", *Journal of Ethics*, 3, 1999.

WATSON G., "Reasons and Responsibility. A Review of J.M. Fischer and M. Ravizza *Responsibility and Control*", *Ethics*, 111, 2001.

WIDERKER D., "On an Argument for Incompatibilism", *Analysis,* 47, 1987.

WIDERKER D., "Frankfurt on 'Ought' Implies 'Can' and Alternative Possibilities", *Analysis,* 49, 1991.

WIDERKER D., "Libertarian Freedom and the Avoidability of Decisions," *Faith and Philosophy* 12, 1995.

WIDERKER D., "Libertarianism and Frankfurt's Attack on the Principle of Alternative Possibilities," *The Philosophical Review* 104, 1995.

WIGGINS D., "Towards a Reasonable Libertarianism", in Honderich (1973).

WOLF S., "Asymmetrical Freedom", *Journal of Philosophy*, 1980.

WOLF S., "The Importance of Free Will", *Mind*, 1981.

WOLF S., "Sanity and the Metaphysics of Responsibility", in Schoemann (1987).

WOLF S., *Freedom Within Reason*, New York, Oxford University Press, 1990.

WYMA K.D., "Moral Responsibility and Leeway for Action," *American Philosophical Quarterly,* 34, 1997.

YOUNG R., "Compatibilism and Conditioning", *Nous*, 13, 1979.

YOUNG R., "Autonomy and the 'Inner Self'", *American Philosophical Quarterly*, 1980.

ZAGZEBSKI L.T., *The Dilemma of Freedom and Foreknowledge*, Oxford, Oxford University Press 1991.

ZIMMERMAN D., "Acts, Omissions, and Semi-Compatibilism", *Philosophical Studies*, 73, 1994.

ZIMMERMAN M.J., *An Essay on Moral Responsibility*, Totowa, NJ, Rowman & Littlefield 1988.

ZIMMERMAN M.J., "Moral Responsibility and Ignorance, *Ethics*, 107, 1997.

ZIMMERMAN M.J., "Reasons-Responsiveness and Ownership-of-Agency: Fischer and Ravizza's Historicist Theory of Responsibility", *The Journal of Ethics*, 6, n.3, 2002.

Parte II
Responsabilità e imputazione

ATIYAH P.S., *The Damages Lottery*, Oxford, Oxford University Press, 1997.

ATTANASIO J.B., "Aggregate Autonomy, the Difference Principle, and the Calabresian Approach to Products Liability", in Owen (1995).

BAIER K., "Responsibility and Action", in M. Brand (ed.) *The Nature of Human Action*, Glenview, Illinois, 1970.

BARNETT R.E., "Rights and remedies in a consent theory of contract", in Frey-Morris (1991).

BENSON P., "The Basis for Excluding Liability for Economic Loss in Tort Law", in Owen (1995).

BOVENS M., *The Quest for Responsibility: Accountability and Citizenship in Complex Organizations*, Cambridge, Cambridge University Press, 1998.

CANE P., "Fleeting Mental States", in *Cambridge Law Journal*, 2000.

CANE P., "Responsibility and fault: a relational and functional approach to responsibility", in Cane-Gardner (2001).

CANE P., GARDNER J. (eds.), *Relating to Responsibility. Essays in Honour of Tony Honoré on his 80th Birthday*, Oxford, Hart Publishing, 2001.

CANE P., *Responsibility in Law and Morality*, Oxford, Hart Publishing, 2002.

DAN-COHEN M., "Responsibility and the Boundaries of the Self", in *Harvard Law Review*, 105, 1992.

DUFF R.A., *Intention, Agency and Criminal Liability*, Oxford, Blackwell, 1990.

DUFF R.A., "Choice, Character and Criminal Liability", in *Law and Philosophy*, 12, 1993.

EPSTEIN R.A., "Beyond forseeability: consequential damages in the law of contract", in Frey-Morris (1991).

FINNIS J, "Intention and side-effects", in Frey-Morris (1991).

FINNIS J, "Intention in Tort Law", in Owen (1995).

FISCHER J.M., ENNIS R.H., "Causation and Liability", in *Philosophy and Public Affairs*, 15, 1986.

FLETCHER G.P., "Punishment and self-defense", in Frey-Morris (1991).

FREY R.G., MORRIS C.W. (eds.), *Liability and Responsibility. Essays in Law and Morals*, Cambridge, Cambridge University Press, 1991.

GARDNER J., "Obligations and outcomes in the law of torts", in Cane-Gardner (2001).

GOODIN R.E., "Apportioning Responsibilities", in *Law and Philosophy*, 6, 1987.

GOODIN R.E., "Theories of Compensation", in Frey-Morris (1991).

HAMPTON J., "A new theory of retribution", in Frey-Morris (1991).

HART H.L.A., *Punishment and Responsibility*, Oxford, Oxford University Press, 1968.

HART H.L.A., *Causation in the Law*, 2nd edition, Oxford, Oxford University Press, 1985.

HAYDON G., "On Being responsible", in *Philosophical Quarterly*, 28, 1978.

HONORÉ T., "Necessary and Sufficient Conditions in Tort Law", in Owen (1995).

HONORÉ T., *Responsibility and Fault*, Oxford, Hart Publishing, 2001.

HONORÉ T., "Appreciations and responses", in Cane-Gardner (2001).

KAGAN S., "Causation, Liability and Internalism", in *Philosophy and Public Affairs*, 15, 1986.

KRESS K., "The Seriousness of Harm Thesis for Abnormally Dangerous Activities", in Owen (1995).

LACEY N., "Responsibility and Modernity", in *Journal of Political Philosophy*, 9, 2001.

LEWIS H.D., "Collective Responsibility", in *Philosophy*, 24, 1948.

MACKIE J.L., *Ethics, Inventing Right and Wrong*, Harmondsworth, Penguin, 1977.

MAY L., *Sharing Responsibility*, Chicago, Chicago University Press, 1992.

MAY L., HOFFMAN S. (eds.), *Collective Responsibility: Five Decades of Debate in Theoretical and Applied Ethics*, Savage, Maryland, Rowman and Littlefield, 1991.

MURPHY J.G., "Retributive hatred: an essay on criminal liability and the emotions", in Frey-Morris (1991).

NICOLSON D., "What the Law Giveth it also Taketh Away", in D. Nicolson and L. Bibbings (eds.), *Feminist Perspectives on Criminal Law*, London, Cavendish Publishing, 2000.

NORRIE A., *Punishment, Responsibility and Justice*, Oxford, Oxford University Press, 2000.

OWEN D. (ed.), *Philosophical Foundations of Tort Law*, Oxford, Oxford University Press 1995.

OWEN D., "Philosophical Foundations of Fault in Tort Law", in Owen (1995).

PERRY S.R., "Risk, Harm, and Responsibility", in Owen (1995).

PERRY S.R., "Honoré on responsibility for outcomes", in Cane-Gardner (2001).

PETTIT P., "The capacity to have done otherwise: an agent centred view" in Cane-Gardner (2001).

RIPSTEIN A., *Equality, Responsibility and the Law*, Cambridge, Cambridge University Press, 1999.

ROBINSON G.O., "Risk, causation, and harm", in Frey-Morris (1991).

SCHROEDER C.H., "Causation, Compensation, and Moral Responsibility", in Owen (1995).

SMILEY M., *Moral Responsibility and the Limits of Community*, Chicago, University of Chicago Press, 1992.

SMITH M., "Responsibility and self-control", in Cane-Gardner (2001).

STAPLETON J., "Perspectives on Causation", in *Oxford Essays in Jurisprudence, Series IV*, 2000.

STAPLETON J., "Unpacking 'causation'", in Cane-Gardner (2001).

THOMPSON J.J., "Remarks on Causation and Liability", in *Philosophy and Public Affairs*, 13, 1984.

THOMPSON J.J., "A Note on Internalism", in *Philosophy and Public Affairs* vol. 15, 1986.

VELASQUEZ M.G., "Why Corporations are not Morally Responsible for Anything They Do", in *Business and Professional Ethics*, 2, 1983, poi ristampato in Hoffman-May (1991).

WALDRON J., "Moments of Carelessness and Massive Loss", in Owen (1995).

WEINRIB E.J., "Liberty, community, and corrective justice", in Frey-Morris (1991).

WEINRIB E.J., The Idea of Private Law, Cambridge: Mass., Harvard University Press, 1995.

WHITE A.R., "Attempting the impossible", in Frey-Morris (1991).

WRIGHT R.W., "The Standard of Care in Negligence Law", in Owen (1995).

Parte III
Sorte morale, fortuna e giustizia

ANDRE J., "Nagel, Williams and moral Luck", *Analysis*, 43, 1983.

ARNESON R.J., "Luck Egalitarianism and Pritoritarianism", *Ethics*, 110, 2000.

ARNESON R.J., "Luck And Equality", *Supplement to the proceedings of The Aristotelian Society*, vol. 75, no. 1, 2001.

BUCHANAN A., BROCK D., DANIELS N., WIKLER D., *From Chance to Choice. Genetics and Justice*, Cambridge, Cambridge University Press, 2000.

CARD C., "Stoicism, Evil, and the Possibility of Morality", *Metaphilosophy,* vol. 29, no. 4, 1998.

COHEN G.A., "On the Currency of egalitarian Justice", *Ethics,* vol. 99, 1989.

COLEMAN J., RIPSTEIN A., "Mischief and Misfortune", *McGill Law Journal*, 1996.

DWORKIN R., "What is Equality? Part 1: Equality of Welfare"*, Philosophy and Public Affairs*, vol. 10, 1981.

DWORKIN R., "What is Equality? Part 2: Equality of resources"*, Philosophy and Public Affairs*, vol. 10, 1981.

FRANKEL PAUL E., MILLER F.D. JR., PAUL J. (eds.), *Responsibility*, Cambridge, Cambridge University Press, 1999.

KENNY A., "Aristotle on Moral Luck', in Sharples R.W. (ed.) *Modern Thinkers and Ancient Thinkers*, London, University College London, 1993.

KRESSLER K.D., "The Role of Luck in the Criminal Law", *University of Pennsylvania Law Review*, 142, 1994.

HONORÈ T., "Responsibility and Luck", *Law Quarterly Review* 104, 1988.

HURLEY S., "Justice without Constitutive Luck", *Ethics, Royal Institute of Philosophy Supplement*, 35, 1993.

HURLEY S., "Luck And Equality", *Supplement to the proceedings of The Aristotelian Society*, vol. 75, no. 1, 2001.

HURLEY S.L., "Luck, Responsibility, and the `Natural Lottery'", *Journal of Political Philosophy*, vol. 10, no. 1, 2002.

LAKE C., *Equality and Responsibility*, Oxford, Oxford University Press, 2001.

LEMMON E.J., "Moral Dilemmas", *Philosophical Review*, 71, 1962.

LIPPERT -Rasmussen K., "Egalitarianism, Option Luck, and Responsibility", *Ethics*, 111, 2001.

LONG A.A., "Freedom and Determinism in the Stoic Theory of Human Action", in Long A.A. (ed.), *Problems in Stoicism*, London, Athlone Press, 1971.

MASON A. (ed), *Ideals of Equality*, Oxford, Blackwell, 1998.

MELE A., "Ultimate Responsibility and Dumb Luck, Review of Kane's *The Significance of Free Will*", *Journal of Philosophy* 95, 1998.

MELE A., "Ultimate Responsibility and Dumb Luck", in Frankel Paul, Miller Jr., Paul (1999).

MELE A., "Luck and the Significance of Free Will," *Philosophical Explorations* 2, 1999.

MICHAEL M.A., "Redistributive Taxation, Self-Ownership and the Fruit of Labour", *Journal of Applied Philosophy*, vol. 14, no. 2, 1997.

NAGEL T., "Moral Luck", *Proceedings of the Aristotelian Society*, supplementary vol. 50, 1976.

NAGEL T., *Equality and Partiality*, New York, Oxford University Press, 1991.

NUSSBAUM M., *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*, New York, Cambridge University Press, 1986.

NUSSBAUM M.C., "Political Animals: Luck, Love and Dignity", *Metaphilosophy*, vol. 29, no. 4, 1998.

PERRY S.R., "Libertarianism, Entitlement, and Responsibility", *Philosophy and Public Affairs*, 26, 1997.

RAKOWSKI E., *Equal Justice*, Oxford, Clarendon Press, 1991.

RAWLS J., *A Theory of Justice*, Cambrdige Mass, Harvard University Press, 1971.

RESCHER N., "Luck", *Proceedings of the American Philosophical Association*, 64, 1990.

RICHARDS N., "Luck and Desert", in Statman (1993).

RIPSTEIN A., "Equality, Luck, and Responsibility", *Philosophy and Public Affairs*, 23, 1994.

RIPSTEIN A., *Equality, Responsibility and the Law*, Cambridge, Cambridge University Press, 1999.

ROEMER J., "Equality of Talent", *Economics and Philosophy* 1, 1985.

ROEMER J., "Equality of Resources implies Equality of Welfare", *Quarterly Journal of Economics* CI, 1986.

ROEMER J., "Egalitarianism, Responsibility and Information", *Economics and Philosophy* 3, 1987.

ROEMER J., "A Pragmatic Theory of Responsibility for the Egalitarian Planner", *Philosophy and Public Affairs* 22, 1993.

ROEMER J., "Equality and Responsibility", *Boston Review* 20 (2), 1995.

ROEMER J., *Theories of Distributive Justice*, Cambridge Mass., Harvard University Press, 1996.

SANTAS G., "Plato's Protagoras and Explanations of Weakness", The Philosophical Review 75, 1966

SORABJI R., *Necessiy, Cause, and Blame*, Ithaca NY, Cornell University Press, 1980.

SAUVÈ MEYER S., "Moral Responsibility: Aristotle and After", in Everson S. (ed.) *Companion to Ancient Thought,* vol. 4: *Ethics*, Cambridge, Cambridge University Press, 1998.

SAUVÈ MEYER S., "Fate, Fatalism, and Agency in Stoicism", in Frankel Paul, Miller Jr., Paul (1999).

STATMAN D., "Moral and Epistemic Luck", *Ratio*, vol. 4, 1991.

STATMAN D. (ed.), *Moral Luck*, Albany, NY: State University of New York Press, 1993.

STATMAN D., "The Time to Punish and the Problem of Moral Luck", *Journal of Applied Philosophy*, vol. 14, no. 2, 1997.

STEINER H., *Choice and Circumstances*, in Mason (1998).

SWIFT A., "Justice, Luck and the Family: Normative Aspects of the Intergenerational Transmission of Economic Status", http://aran.univ-pau.fr/ee/page3.html da pubblicare in Bowles, Gintis H., Osborne M.A. (eds.), *Unequal Chances: Family Background and Economic Success*.

THOMSON J., "Morality and Bad Luck" in Statman (1993).

VALLENTYNE P., "Self-Ownership and equality: Brute Luck, Gifts, Universal Dominance, and Leximin. Review of P. Van Parijs's *Real Freedom for All*", *Ethics*, 107, 1997.

VAN PARIJS P., *Real Freedom for All. What (if anything) can justify Capitalism*. Oxford, Clarendon Press, 1995.

WEBER T.B., "Tragic Dilemmas and the Priority of the Moral", *The Journal of Ethics*, vol. 4, no. 3, 2000.

WHITE S., "Liberal Equality, Exploitation, and the Case for an Unconditional Basic Income", *Political Studies*, June 1997,

WILLIAMS, B., (1976) 'Moral Luck', Proceedings of the Aristotelian Society, supplementary vol. 50: 115-36; ristampato in idem *Moral Luck: Philosophical Papers 1973-80*, Cambridge: Cambridge University Press, 1981.

WILLIAMS B., *Shame and Necessity*, Berkeley, CA: University of California Press, 1993.

ZIMMERMAN M., "Luck and Moral Responsibility", in Statman (1993).

Parte IV
Merito, carattere e giustizia

ADKINS A.W.H., *Merit and Responsibility*, Oxford, Oxford University Press, 1960.

ADLER J., "Luckless Desert is Different Desert", *Mind*, 96, 1997.

ANNIS D., BOHANON C.E., "Desert and Property Rights", *Journal of Value Inquiry*, 26, 1992.

ARENELLA P., "Character, Choice and Moral Agency: the Relevance of Character to our Moral Culpability Judgments", in Frankel Paul, Miller Jr., Paul (1990).

ARNESON R.J., "Egalitarianism and Responsibility", *The Journal of Ethics*, 1999, vol. 3, no. 3, 1999.

ARNOLD S.N., "Why Profits are Deserved", *Ethics*, 97, 1987.

ATKINSON M., "Justified and Deserved Punishments", *Mind*, 78, 1969.

BARRY B., *Political Arguments*, London, Routledge and Kegan Paul, 1965.

BARRY B., *Liberty and Justice: Essays in Political Theory 2*, Oxford, Clarendon Press, 1991.

BECKER L.C., *Property Rights: Philosophic Foundations*, London, Routledge and Kegan Paul, 1977.

Burgh R., "Guilt, Punishment, and Desert", in Schoemann (1987).

CAMPBELL T., *Justice*, Atlantic Highlands NJ, Humanities Press International, 1988.

CARD C., "On Mercy", *Philosophical Review*, 81, 1972.

CAVANAGH M., *Against Equality of Opportunity*, Oxford, Oxford University Press, 2002.

CUMMISKEY D., "Desert and Entitlement: A Rawlsian Consequentialist Account", *Analysis*, 47, 1987.

CUPIT G., "Desert and Responsibility", *Canadian journal of Philosophy*, 26, 1996.

DANIELS N., "Merit and Meritocracy", *Philosophy and Public Affairs*, 7, 1978, poi ristampato in Pojman-Macleod (1999).

DAVIS M., "How to Make the Punishment Fit the Crime", in Pennock R.J.- Chapman J.W.(eds.), *Criminal Justice: Nomos XXVII,* New York, New York University Press, 1985.

DICK J., "How to Justify a Distribution of Earnings", *Philosophy and Public Affairs*, 4, 1975.

DWORKIN G., "Intention, Forseeability, and Responsibility", in Schoemann (1987).

ENGLAND P., *Comparable Worth: Theories and Evidence*, New York, Aldine de Gruyter, 1992.

FEINBERG, J., *Doing and Deserving*, Princeton, NJ, Princeton University Press, 1970.

FEINBERG J., *Social Philosophy*, Englewood Cliffs NJ, Prenctice-Hall, 1973.

FELDMAN F., *Confrontations with the Reaper*, Oxford, Oxford University Press, 1992.

FELDMAN F., "Justice, Desert, and the Repugnant Conclusion", *Utilitas*, 7, 1995.

FELDMAN F., "Desert: Reconsideration of Some Received Wisdom", *Mind*, vol. 104, 1995, poi ristampato in Pojman-Macleod (1999).

FELDMAN F., "Adjusting Utility for Justice: A Consequentialist Reply to the Objections from Justice", *Philosophy and Phenomenological Reaserch*, 60, 1995, poi ristampato in Pojman-Macleod (1999).

FELDMAN F., *Utilitarianism, Hedonism, and Desert*, Cambridge, Cambridge University Press, 1997.

FIELDS L., "Parfit on Personal Identity and Desert", *Philosophical Quarterly*, 37, 1987.

FRANKEL PAUL E., MILLER F.D., PAUL J. (eds.), *Crime, Culpability and Remedy*, Oxford, Basil Blackwell, 1990.

FRANKFURT H., "Identification and Wholeheartedness", in Schoemann (1987).

GALSTON W., *Justice and the Human Good*, Chicago, University of Chicago Press, 1992.

GARCIA J.L.A., "Two Concepts of Desert", *Law and Philosophy*, 5, 1986.

GARCIA J.L.A., "A Problem about the Basis of Desert", *Journal of Social Philosophy*, 1988.

GAUS G.F., *Value and Justification: The Foundations of Liberal Theory*, Cambridge, Cambridge University Press, 1990.

GOLD M.E., *A Dialogue on Comparable Worth*, Ithaca NY, ILR Press, 1992.

GOLDMAN A., "Real People (Natural Differences and the Scope of Justice)", *Canadian Journal of Philosophy*, 17, 1987.

GOODWIN B., *Justice by Lottery*, Chicago, Chicago University Press, 1992.

GOODIN R., "Negating Positive Desert Claims", *Political Theory*, 13, 1985, poi ristampato in Pojman-Macleod (1999).

HAYEK F.A., *The Constitution of Liberty*, London: Routledge & Kegan Paul, 1960.

HESTEVOLD S.H., "Disjunctive Desert", *American Philosophical Quarterly*, 20, 1983.

HILL C., "Desert and the Moral Arbitrariness of the Natural Lottery", *Philosophical Forum*, 16, 1985.

VON HIRSCH A., JAREBORG N., "Provocation and Culpability" in Schoemann (1987).

HOLBROW L., "Desert, Equality and Injustice", *Philosophy*, 50, 1975.

HONDERICH T., *The Consequences of Determinism: A Theory of Determinism*, Oxford: Clarendon Press, 1988.

HUSAK D., "Why Punish the Deserving", *Nous*, 26, 1992.

KAGAN S., "Equality and Desert", in Pojman-Macleod (1999).
KEKES J., *Against Liberalism*, Ithaca NY, Cornell University Press, 1997.
KERNOHAN A., "Desert and Self-Ownership", *Journal of Value Inquiry*, 27, 1993.
KLEINIG J., "The Concept of Desert", *American Philosophical Quarterly*, vol.8, 1971, poi ristampato in Pojman-Macleod (1999).
KLEINIG J., *Punishment and Desert*, The Hague, Martinus Nijhof, 1973.

LACEY N., "In Search of the Responsible subject: History, Philosophy and Social Sciences in Criminal Law Theory", *Modern Law Review*, vol. 64, n.3, 2001.
LAMONT J., "The Concept of Desert in Distributive Justice", *Philosophical Quarterly*, vol. 44, n. 174, 1994, ristampato in Pojman-Macleod (1999).
LINDGREN R., "Criminal Responsibility Reconsidered", *Law and Philosophy*, 6, 1987.
LUCAS J., *On Justice*, Oxford, Clarendon Press, 1980.
LUCAS J., *Responsibility*, Oxford, Clarendon Press, 1993.

MACLEOD O., "Desert and Wages", *Utilitas,* vol. 8, 1996, poi ristampato in Pojman-Macleod (1999)
MACLEOD O., "Desert and Institutions", in Pojman-Macleod (1999).
MACINTYRE A., *After Virtue*, London: Duckworth, 1981.
MILLER D., *Market, State, and Community*, Oxford, Clarendon Press, 1989.
MILLER D., *Principles of Social Justice*, Cambridge Mass., Harvard University Press, 1999.
MOORE M.S., "The Moral Worth of Retribution", in Schoemann (1987).
MOORE M.S., "Choice, Character and Excuse" in Frankel Paul, Miller Jr., Paul (1990).
MORRIS H., "Nonmoral Guilt", in Schoemann (1987).
MORRIS H., "The Decline of Guilt", *Ethics*, 99, 1988.

NIELSEN K., *Equality and Liberty*, Totowa NJ, Rowman and Allenheld, 1985.

PARFIT D., *Reasons and Persons*, Oxford, Oxford University Press, 1984, in particolare par. 108.
PERSSON I., "Feldman's Justicized Act Utilitarinism", *Ratio*, 9, 1996.
POJMAN L. "The Moral Status of Affirmative Action", *Public Affairs Quarterly*, 1991.
POJMAN L., "Equality and Desert", *Philosophy*, 72, 1997.
POJMAN L., MACLEOD C. (eds.), What do We Deserve? A Reader on Justice and Desert, Oxford, New York, Oxford University Press, 1999.
PRIMORATZ I., *Justifying Legal Punishment*, Atlantic Highlands NJ, Humanities Press International, 1989.

RACHELS J., "What People Deserve", in Arthur J.- Shaw W. (eds.), *Justice and Economic Distribution*, Englewood Cliffs NJ, Prenctice-Hall, 1978.

RAWLS J., *A Theory Of Justice*, Cambridge, MA: Harvard University Press, 1971.
RICHARDS N., "Luck and Desert", *Mind*, 95, 1986.

SADURSKI W., *Giving Desert its Due*, Dordrecht, D. Reidel Publishing, 1985.
SCANLON T.M., *The Significance of choice*, Tanner Lectures on Human Values, VIII, Salt Lake City: University of Utah Press, 1988.
SCHEFFLER S., "Responsibility, Reactive Attitudes, and Liberalism in Philosophy and Politics", *Philosophy and Public Affairs*, 21, 1992.
SCHOEMANN F. (ed.), *Responsibility, Character, and the Emotions. New Essays in Moral Psychology*, Cambridge, Cambridge University Press, 1987.
SCHOEMANN F., "Statistical Norms and Moral Attributions", in Schoemann (1987).
SHER G., "Effort, Ability, and Personal Desert", *Philosophy and Public Affairs*, 8, 1979. Ristampato come cap. 5 in Sher (1997).
SHER G., *Desert*, Princeton, NJ: Princeton University Press, 1987.
SHER G., "Deserved Punishment Revisited", in Sher (1997).
SHER G., *Approximate Justice. Studies in Non-Ideal Theory*, Lahnam, Rowman & Littlefield, 1997.
SHERMAN N., "Taking Responsibility for our Emotions", in Frankel Paul E., Miller F.D. Jr., Paul J. (eds.), *Responsibility*, Cambridge, Cambridge University Press, 1999.
SIMON R., "An Indirect Defense of the Merit Principle", *Philosophical Forum*, 10, 1978-1979.
SLOTE M.A., "Desert, Consent, and Justice", *Philosophy and Public Affairs*, 2, 1973.
SMILANSKY S., "Responsibility and Desert: Defending the Connection', *Mind* 105, 1996.
Smilansky S., "The Connection Between Responsibility and Desert: The Crucial Distinction", *Mind* 105, 1996.
SQUIRES J.E.R., "Blame", in Acton H.B. (ed.), *The Philosophy of Punishment*, London, MacMillan, 1969.
STERBA J., "Justice as Desert", *Social Theory and Practice*, 1974.
STERBA J., "Justice and the Concept of Desert", *Personalist*, 57, 1976.
SVERDLIK S., "The Logic of Desert", *Journal of Value Inquiry*, 17, 1983.
SVERDLIK S., "The Nature of Desert", *Southern Journal of Philosophy*, 21, 1983.

TEMKIN L., "Weighting Goods: Some Questions and Comments", *Philosophy and Public Affairs*, 23, 1994.

VALLENTYNE P., "Taking Justice too Seriously", *Utilitas*, 7, 1995.

WALLER B., "Just and Nonjust Deserts", *Southern Journal of Philosophy*, 25, 1987.
WALLER B., "Uneven Starts and Just Deserts", *Analysis*, 49, 1989.
WALZER M., *Spheres of Justice. A Defense of Pluralism and Equality*, New York, Basic Books, 1983.
WATSON G., "Responsibility and the Limits of Evil: Variations on a Strawsonian Theme", in Schoemann (1987).

WICCLAIR M., "Preferential Treatment and Desert", *Social Theory and Practice*, 12, 1963.

YOUNG I.M., "The Myth of Merit" in idem *Justice and the Politics of Difference*, Princeton, NJ: Princeton University Press, 1990.

YOUNG M., *The Rise of Meritocracy*, London, Thames on Hudson, 1958.

YOUNG R., "Egalitarianism and Personal Desert", *Ethics*, 102, 1992.

YOUNG R., "Egalitarianism and the Modest Significance of Desert", *Ethics*, 102, 1992.

ZAITCHIK A., "On Deserving to Deserve", *Philosophy and Public Affairs*, 6, 1977.

Parte V
Disabilità, diritti, responsabilità.

ARIE T., "Some Legal Aspects of Mental Capacity", *British Medical Journal*, 313, 1996.

BARRON K., "Autonomy in Everyday Life, for Whom?", *Disability and Society*, vol. 16, no. 3, 2001.

BICKENBACH J.E.; CHATTERJI S.; BADLEY E.M.; USTUN T.B., "Models of Disablement, Universalism and the International Classification of Impairments, Disabilities and Handicaps", *Social Science and Medicine*, May 1999, vol. 48, no. 9, 1999.

BUCHANAN A., BROCK D., DANIELS N., WIKLER D., *From Chance to Choice. Genetics and Justice*, Cambridge, Cambridge University Press, 2000.

CALLAHAN D., "Terminating Life-sustaining Treatment of the Demented", *Hastings Center Report*, 25, 1995.

CASSELL E., *The Nature of Suffering*, Oxford, Oxford University Press, 1991.

CATTORINI P., REICHLIN M., "Persistent Vegetative State: a Presumption to Treat", *Theoretical Medicine*, vol. 18, 1997.

DANIELS N., SABIN J., "Determining 'Medical Necessity' in Mental Health Practice: a Study of Clinical Reasoning and a Proposal for Insurance Policy", *Hastings Center Report*, 24, n. 6, ristampato in Daniels N., *Justice and Justification. Reflective Equilibrium in Theory and Practice*, Cambridge, Cambridge University Press, 1996.

DRESSER R., "Life, Death, and Incompetent Patients: Conceptual Infirmities and Hidden Values in the Law", *Arizona Law Review*, 28, 1986.

DREWETT A.Y., "Social Rights and Disability: the language of 'rights' in community care policies", *Disability and Society*, 1 January 1999, vol. 14, no. 1, 1999 .

DWORKIN R., "What is Equality? Part 2: Equality of Resources", *Philosophy and Public Affairs* vol. 10, 1981.

DWORKIN R., *Life Dominion*, London, HarperCollins, 1993, cap. 8.

EDWARDS S.D., "The Moral Status of Intellectually Disabled Individuals", *Journal of Medicine and Philosophy* 22, 1997.

EDWARDS S.D., "The Body as Object *versus* the Body as Subject: The case of Disability", *Medicine, Health Care and Philosophy*, vol. 1, 1998.

EDWARDS S.D., "Nordenfelt's Theory of Disability", *Theoretical Medicine and Bioethics,* 19, 1998.

EDWARDS S.D., "An Argument against Research on People with Intellectual Disabilities"**,** *Medicine, Health Care and Philosophy,* vol. 3, 2000.

FEINBERG J., "What is so Special about Mental Illness?", in idem *Doing and Deserving*, Princeton, Princeton University Press, 1970.

FLETCHER J., *Humanhood: Essays in Biomedical Ethics*. Buffalo, Prometheus Books, 1979.

FULFORD K.W.M., "Rsponsibility, Mental Illeness and Psychiatric Experts", in Tam (1996).

GREAT BRITAIN. LAW COMMISSION, *Mental Incapacity*, London, Her Majesty's Stationery Office, 1995.

GRISSO T., APPELBAUM P.S., "Mentally Ill and Non-mentally-ill Patients's Abilities to Understand Informed Consent Disclosures for Medication: Preliminary Data", *Law and Human Behaviour*, 15, 1994.

HAIMOWITZ S., "Disability Matters: Differences and Rights", *American Journal of Bioethics*, vol. 1, no. 3, 2001 Heginbotham "Mental Disorder, Multiple Diagnosis and Secure Provision", in Tam (1996).

HUMPHREY J.C., "Disabled People and the Politics of Difference", *Disability and Society*, vol. 14, no. 2, 1999.

JAWORSKA A., "Respecting the Margins of Agency: Alzheimer's Patients and the Capacity to Value", *Philosophy and Public Affairs*, 28, 1999.

KALLIANES V.; RUBENFELD P., "Disabled Women and Reproductive Rights", *Disability and Society*, vol. 12, no. 2, 1997.

KAY TOOMBS S., *The Meaning of Illness*. Dordrecht, Kluwer, 1992.

KOCH T., RIDGLEY M., "Distanced Perspectives: AIDS, Anencephaly, and AHP", *Theoretical Medicine and Bioethics*, 19, 1998.

LEDER D., *The Absent Body*. London, University of Chicago Press, 1990.

LEDER D., 1992, A Tale of two Bodies, in Leder D. (ed.), *The Body in Medical Thought and Practice*. Dordrecht: Kluwer, 1992.

LLOYD M., "The Politics of Disability and Feminism: Discord or Synthesis?", *Sociology*, vol. 35, no. 3, 2001

MACLEOD C.M., *Liberalism, Justice, and Markets. A Critique of Liberal Equality*, Oxford, Clarendon Press, 1998.

MCMAHN J., "Cognitive Disability, Misfortune, and Justice", *Philosophy and Public Affairs*, 25, 1996.

NEATH J., SCHRINER K., "Power to People with Disabilities: Empowerment Issues in Employment Programming", *Disability and Society*, vol. 13, no. 2, 1998. Nordenfelt L. *On the Nature of Health* Dordrecht: Kluwer, 1995.

NORDENFELT L., "On the Notions of Disability and Handicap", *Social Welfare* vol. 17, 1993.

OLIVER M., *The Politics of Disablement*. London: Macmillan, 1990.

PHILPOTT M., "Not Guilty, by Reason of Genetic Determinism", in Tam (1996).

POST S.G., "Alzheimer Disease and the 'Then' Self", *Kennedy Institute of Ethics Journal*, 5, 1995.

POST S.G., *The Moral Challenge of Alzheimer Disease*, Baltimore MD, John Hopkins University Press, 1995.

RIOUX M.H., "Disability: the place of judgement in a world of fact", *Journal of Intellectual Disability Research*, vol. 41, no. 2, 1997.

RUSSELL M., "What Disability Civil Rights Cannot Do: employment and political economy", *Disability and Society*, vol. 17, no. 2, 2002.

SCHWARTZ H.I., BOLAND R., "Using Science to Influence the Supreme Court on the Right to Refuse Treatment", *Bulletin of the American Academy of Psychiatry and the Law*, 23, 1995.

SEN A.K., *Rights and Capabilities*, in Honderich T. (ed.), *Morality and Objectivity*, London, Routledge and Kagan, 1985.

SEICSHNAYDRE S. E., "Community Mental Health Treatment for the Mentally Ill, When Does the Less Restrictive Treatment Becomes a Right?", *Tulane Law Review*, 66, 1992.

SHAKESPEARE T., "Choices and Rights: Eugenics, Genetics and Disability Equality", *Disability and Society*, vol. 13, no. 5, 1998.

SHAKESPEARE T., "Disabled Sexuality: Toward Rights and Recognition", *Sexuality and Disability*, vol. 18, no. 3, 2000.

SHARP K., EARLE S., "Feminism, Abortion and Disability: Irreconcilable Differences?" *Disability and Society*, vol. 17, no. 2, 2002

SPIKE J., Greenlaw J., "Case Consultation: When to Invoke State Agencies to Treat the Cases of a Minor and a Mentally Disabled Adult", *Journal of Law, Medicine, and Ethics*, 24, 1996.

SWAIN J.; COOK T., "In the Name of Inclusion: 'We all, at the end of the day, have the needs of the children at heart'", *Critical Social Policy*, vol. 21, no. 2, 2001.

TAM H. (ed.), *Punishment, Excuses and Moral Development*, Avebury, Aldershot, 1996.

TREMAIN S., "Dworkin on Disablement and Resources", *Canadian Journal of Law and Jurisprudence*, 9, 1996.

VAN PARIJS P., *Real Freedom for All. What (if anything) can justify Capitalism*. Oxford, Clarendon Press, 1995.

YOUNG D.A., QUIBELL R., "Why Rights are Never Enough: rights, intellectual disability and understanding", *Disability and Society*, 1 August 2000, vol. 15, no. 5, 2000.

WADDINGTON L., "The European Community and Disability Discrimination: Time to address the Deficit of Powers?", *Disability and Society*, vol. 12, no. 3, 1997. World Health Organization, *International Classification of Impairments, Disabilities, and Handicaps*, WHO, Geneva, 1993

ZANER R.M., *The Problem of Embodiment* (2nd edition). The Hague: Nijhoff, 1971.

ZANER R.M., *Ethics and the Clinical Encounter*. London: PrenticeHall, 1988.

Parte VI
Dipendenza e autonomia personale

AINSLIE G., "The Dangers of Willpower" in Elster-Skog (1999).

AINSLIE G., "A Reaserch-Based Theory of Addictive Motivation", *Law and Philosophy,* 19, 2000.

AINSLIE G., HAENDEL V., "The Motives of the Will", in Gottheil E., Druley K., Skodola T., Waxman H. (eds.), *Etiology Aspects of Alcohol and Drug Abuse,* Springfield, IL, Charles C. Thomas, 1983.

AKERS R., "Addiction: The Troublesome Concept," *Journal of Drug Issues,* 21, 1991.

ALBRITTON R., "Freedom of Will and Freedom of Action," *Proceedings of the American Philosophical Association*, 59, 1985–1986.

BAKALAR J., Grinspoon L., *Drug Control in a Free Society*, Cambridge, Cambridge University Press, 1984.

BAUMEISTER R.F., HEATHERTON T.F., TICE D.M., *Losing Control: How and Why People Fail at Self-Regulation,* San Diego, Academic Press, 1994.

BECKER G., "Habits, Addictions, and Traditions", *Kyklos*, 45, 1992.

BECKER G., *Accounting for Tastes,* Cambridge, Mass., Harvard University Press, 1996.

BECKER G., MURPHY K., "A Theory of Rational Addiction", *Journal of Political Economy*, vol. 96, 1988.

BECKER, G.S., GROSSMAN, M., MURPHY, K.M., "Rational Addiction and the Effect of Price on Consumption", in Loewenstein - Elster J. (1992).

CHARLTON W., *Weakness of the Will: A Philosophical Introduction,* Oxford and New York, Basil Blackwell, 1988.

CORRADO M.L., "Addiction and Responsibility: an Introduction", *Law and Philosophy,* vol. 18, 1999.

DONOVAN D.M., MARLATT G.A. (eds.), *Assessment of Addictive Behaviors,* New York, Guilford Press, 1988.

DRESSLER J. "Exegesis and the Law of Duress: Justifying the Excuse and Searching for its Proper Limits", *Southern California Law Review* 62, 5, 1989.

ELSTER J. (ed.), *Addiction: Entries and Exits*, New York, Russel Sage Foundations, 1999.

ELSTER J., *Strong Feelings: Emotion, Addition and Human Behavior,* Cambridge, MIT Press, 1999.

ELSTER J., "Gambling and Addiction", in Elster-Skog (1999)

ELSTER J., SKOG O.J., "Introduction", in Elster-Skog (1999).

ELSTER J., SKOG O.J.(eds.), *Getting Hooked: Rationality and Addiction*, Cambridge and New York, Cambridge University Press, 1999.

FEINBERG J., *Harm to Self,* New York, Oxford University Press, 1986.

FINGARETTE H., "Addiction and Criminal Responsibility," *Yale Law Journal* 84 (1975),

FINGARETTE H., "The Perils of *Powell*: In Search of a Factual Foundation for the 'Disease Concept of Alcoholism' ", *Harvard Law Review* vol. 83, 1970.

FINGARETTE H., *Heavy Drinking: The Myth of Alcoholismas a Disease,* Berkeley, Univ. of California Press, 1988.

FINGARETTE H., FINGARETTE HASSE A., *Mental Disabilities and Criminal Responsibility* (Berkeley: University of California Press, 1979.

GARDNER E.L., DAVID J., "The Neurobiology of Chemical Addiction", in Elster-Skog (1999).

GJELSVIK O., "Addiction, Weakness of the Will, and Relapse", Elster-Skog (1999).

GOLDSTEIN A., *Addiction*, New York, Freeman, 1984.

GOODIN R., *No Smoking,* Chicago, University of Chicago Press, 1989.

GOSLING J., *Weakness of the Will*, London: Routledge, 1990.

HERRNSTEIN R., PRELEC D., "A Theory of Addiction," in Loewenstein- Elster (1992).

HUSAK D., *Drugs and Rights,* Cambridge, Cambridge University Press, 1992.

HUSAK D., "Partial Defenses," *Canadian Journal of Law & Jurisprudence,* 11, 1998.

HUSAK D., "Addiction and Criminal Responsibility", *Law and Philosophy,* vol. 18, 1999.

INCIARDI J.A. (ed.), *The Drug Legalization Debate*, London Sage, 1991.

INCIARDI J.A., MC BRIDE D.C., "The Case against Legalisation" in Inciardi (1991).

INSTITUTE OF MEDICINE, *Pathways of Addiction: Opportunities in Drug Abuse Research,* Washington, D.C.: National Academy Press, 1996.

JAFFE J.H., "Current Concepts of Addiction," in O'Brien C.P., Jaffe J.H. (eds.), *Addictive States,* New York, Raven Press, 1992.

KAPLAN J., *The Hardest Drug: Heroin and Public Policy,* Chicago, University of Chicago Press, 1983.

KAREL R.B., "A Model Legalization Proposal", In Inciardi (1991).

KENNETT J., SMITH M., "Frog and Toad Lose Control," *Analysis ,* vol. 56, 1996.

KOSTEN T.R., "Editorial: Addiction as a Brain Disease", *American Journal of Psychiatry,* vol. 155, 1998.

KOZLOWSKI L, WILKINSON A., SKINNER W., KENT K., FRANKLIN T., POPE M., "Comparing Tobacco Cigarette Dependence with Other Drug Dependence", *Journal of the American Medical Association*, 261, 1989.

LESHNER A.I., "Science is Revolutionizing Our View of Addiction – and What to Do About It", *American Journal of Psychiatry,* vol. 156, 1999.

LESHNER A.I., "Addiction Is a Brain Disease, and It Matters", *Science,* vol. 278, 1997.

LOEWENSTEIN G., "A Visceral Account of Addiction", Elster-Skog (1999).

LOEWENSTEIN G., ELSTER J. (eds.), *Choice Over Time,* New York, Russell Sage, 1992.

LUDWIG A.M., *Understanding the Alcoholic's Mind,* New York and Oxford, Oxford University Press, 1988.

MELE A.R., *Irrationality: An Essay on Akrasia, Self-Deception, and Self-Control,* New York, Oxford University Press, 1987.

MOENE K.O., "Addiction and Social Interaction", Elster-Skog (1999).

MORSE S.J., "Culpability and Control", *The University of Pennsylvania Law Review*, Vol. 142, 1994.

MORSE S.J., "Hooked on Hype: Addiction and Responsibility", *Law and Philosophy,* vol. 19, 2000.

NORRIE A.W., *Law, Ideology and Punishment*, Dordrecht- London, Kluwer, 1991, cap. VII

ODDIE G., "Addiction and the Value of Freedom," *Bioethics,* 7, 1993.

PEELE S., *The Meaning of Addiction,* Lexington Mass., Lexington Books, 1985.

PEELE S., *Diseasing of America: Addiction Treatment out of Control,* Lexington, Ma, DC Heath & Co., 1989.

PEELE S., *Visions of Addiction*, Lexington, Ma, DC Heath & Co., 1989.

PEELE S., BRODSKY A., *The Truth about Addiction and Recovery*, New York, Simon and Schuster, 1991.

PETTIT P., SMITH M., "Freedom in Belief and Desire," *Journal of Philosophy*, vol. 93, 1996.

RAY O., KSIR C., *Drugs, Society, and Human Behavior,* St. Louis, Times Mirror/Mosby, 1987.

SCHELLING T., "Epilogue: Rationally Coping with Lapses from Rationality", in Elster-Skog (1999).

SCHONSHECK J., "On Criminalization. An Essay in the Philosophy of the Criminal Law", Dordrecht-London, Kluwer, 1994, cap. 6.

SCHOPP R., *Automatism, Insanity, and the Psychology of Criminal Responsibility,* Cambridge and New York: Cambridge University Press, 1991.

SCHWARTZ A., "Views of Addiction and the Duty to Warn," *Virginia Law Review,* vol. 75, 1989.

SEEBURGER F., *Addiction and Responsibility*, New York, Crossroad, 1993.

SKOG O.J., "Rationality, Irrationality, and Addiction- Notes on Becker's and Murphy's Theory of Addiction", in Elster-Skog (1999).

SISTARE C.T., *Responsibility and Criminal Liability*, Dordrecht-London, Kluwer, 1989, capp. 5-8.

TEN C.L., *Crime, Guilt, and Punishment*, Oxford, Clarendon Press, 1987, cap. 6.

WALL H., "To Legalize or Not to Legalize: Is That the Question?", Elster-Skog (1999).

WALLACE J., "Addiction as Defect of the Will: Some Philosophical Reflections", *Law and Philosophy,* vol. 18, 1999.

WATSON G., "Excusing Addiction" *Law and Philosophy,* vol. 18, 1999.

WATSON G., "Disordered Appetites: Addiction, Compulsion and Dependence", in Elster (1999).

WEST R., GOSSOP M., "Overview: A Comparison of Withdrawal Symptoms from Different Drug Classes," *Addiction,* vol. 89, 1994.

WINICK C., "Nonharmful Drug Use," *Milbank Quarterly* 69, 1991.