

## HOW TO BE MORALLY RESPONSIBLE FOR ANOTHER'S FREE INTENTIONAL ACTION

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THE THESIS that an agent can be morally responsible and fully blameworthy for another agent's free and intentional action is likely to strike many as either wildly implausible or trivial. On the one hand, it seems right that, as Joel Feinberg emphatically stresses, "*there can be no such thing as vicarious guilt.*"<sup>1</sup> One agent's blameworthiness for an action cannot be directly grounded in another's morally objectionable attitudes as opposed to her own.<sup>2</sup> On the other hand, many would acknowledge that an agent can be morally responsible and blameworthy for another agent's free and intentional action if she brings it about that the other performs it. For example, while Marya Schechtman claims that "a person can only be held responsible for her own actions," she immediately footnotes this statement with the qualification that "a person may be held responsible for the action of someone else if she somehow brought it about."<sup>3</sup> In the same vein, John Gardner writes:

I am responsible for my actions, and you are responsible for yours. My actions are mine to justify or excuse, and your actions are yours to justify or excuse. And yet my actions include my actions of contributing to your actions. So there is a sense in which my responsibility for my actions can extend out to your actions.<sup>4</sup>

I agree. However, I will argue that Gardner's responsibility for his actions can extend to my actions in the same sense that his responsibility for his own basic actions—such as his decisions or bodily movements—can extend to his own

1 Feinberg, "Collective Responsibility," 676. What Feinberg means here by "guilt" is a kind of fault for wrongdoing, not the moral emotion.

2 This does not imply that *our collective* blameworthiness for a joint action or an outcome cannot be grounded in a combination of my attitudes and your attitudes. For my view of collective moral obligations, the violation of which would imply such collective blameworthiness, see Blomberg and Petersson, "Team Reasoning and Collective Moral Obligation."

3 Schechtman, *The Constitution of Selves*, 14, 14n15.

4 Gardner, "Complicity and Causality," 136.

nonbasic actions of bringing about bodily or worldly results. While my actions are indeed mine to justify or excuse, they may also be his to justify or excuse. Hence, I will argue that an agent can be morally responsible and fully (but not necessarily solely) blameworthy for another's free and intentional action in the relevantly same way that she is morally responsible and blameworthy for her own nonbasic actions.

To illustrate what my thesis entails, consider the following case, which I will make use of throughout the paper:

*Testimony*: Stringer desires and intends Mouzone to be killed. He happens to know that Mouzone murdered Omar's beloved. However, Omar, a notorious stickup man, mistakenly thinks that his beloved's death was the result of an accidental fall from a balcony. Knowing what sort of person Omar is, Stringer knows that if he reveals to Omar the true cause of his beloved's death, then it is very probable (with probability 0.8) that Mouzone will die as a result of Omar deciding to kill him and then carrying out this decision. With intent to bring about Mouzone's death, Stringer reveals to Omar that his beloved was actually murdered by Mouzone. Upon receiving this information, Omar acquires a desire to avenge his beloved's death, but this desire is not irresistible. He freely decides to kill Mouzone, just as Stringer predicted. Omar then tracks down Mouzone, aims a handgun at him, and pulls the trigger. The bullet hits Mouzone, who dies immediately.<sup>5</sup>

In all legal systems of which I am aware, Stringer would be legally off the hook in this case. According to the so-called autonomy doctrine in Anglo-American criminal law, an intervening agent's free and intentional action, such as Omar's killing of Mouzone, breaks "the moral connection" between the first agent's action and its bad or forbidden consequence.<sup>6</sup> But according to my thesis, the moral connection is retained. Stringer can be morally responsible and fully blameworthy for the killing of Mouzone in *Testimony*, just as he is morally responsible and fully blameworthy for the killing of Mouzone in the following case:

*Lone Killer*: Stringer desires and intends Mouzone to be killed. He tracks down Mouzone and aims a handgun at him. He knows that if he pulls the trigger, then it is very probable (with probability 0.8) that Mouzone

5 The case is loosely inspired by characters and events from season 2 of David Simon's TV series *The Wire*.

6 Williams, "Finis for Novus Actus?," 392.

will die as a result. With intent to kill, he pulls the trigger. The bullet hits Mouzone, who dies immediately.<sup>7</sup>

The fact that Stringer's agency with respect to Mouzone's death is mediated by an autonomous free agent in *Testimony*, but only by a short-barreled firearm in *Lone Killer*, is not, I claim, itself relevant for Stringer's moral responsibility and blameworthiness for the killing.<sup>8</sup> The difference in mediation is morally relevant in other ways, though. Omar is presumably also morally responsible and fully blameworthy for the killing of Mouzone, whereas the handgun is not morally responsible for anything. (By "fully" blameworthy, I mean unexcused and blameworthy to a degree proportional to the intended and foreseen moral badness of the wrongdoing.) In addition, perhaps Stringer is blameworthy for an additional wrong of corrupting another autonomous agent in *Testimony* by making Omar and not only himself blameworthy for the killing of Mouzone. However, my focus here is solely on the first agent's moral responsibility and blameworthiness for the second agent's intentional action.

My thesis need not imply that Stringer killed Mouzone in *Testimony*. If the meaning of "kill" rules out the involvement of an intermediary agent's intentional action, then Stringer did not kill Mouzone in *Testimony*.<sup>9</sup> But even if Stringer did not kill Mouzone, he can still stand in the moral responsibility relation to the killing (i.e., Omar's killing of Mouzone). Knowing who did it is one thing; knowing who is morally responsible for it is another.<sup>10</sup> "I didn't do it!" is often, but not always, a valid excuse.

Many philosophers of action and moral responsibility explicitly or implicitly deny my thesis.<sup>11</sup> Some would claim that while Stringer is morally respon-

7 While the moral connection is retained in *Testimony*, perhaps there are other reasons for accepting the autonomy doctrine as a legal policy (see section 6).

8 Cf. Bazargan-Forward, "Complicity," 330.

9 For this view of the semantics of "kill," see Davidson, "Agency," 22n18; Gardner, "Complicity and Causality," 134, 137; David Lewis, "Causation," 188; and Ludwig, *From Individual to Plural Agency*, 73. But did not Stalin kill Trotsky, even though it was Ramón Mercader who buried the ice axe in Trotsky's head? If the intermediary agent's action can appropriately be construed as having enabled the first agent to cause the victim's death, then it can arguably truly be said that the first agent killed the victim. (See Wolff, "Direct Causation in the Linguistic Coding and Individuation of Causal Events.")

10 Eric Wiland assumes that for an agent to be morally responsible for an action, the agent must either perform the action himself or genuinely perform it together with others ("(En)joining Others," 65–66). I reject this assumption.

11 They include, e.g., Hywel D. Lewis, "Collective Responsibility"; Sverdlik, "Collective Responsibility" and "Crime and Moral Luck"; Dretske, "The Metaphysics of Freedom"; Frankfurt, "What We Are Morally Responsible For"; Aguilar, "Interpersonal Interactions and the Bounds of Agency"; Ginet, "An Action Can Be Both Uncaused and Up to The

sible for revealing information and evidence to Omar in *Testimony*, only Omar could be morally responsible and blameworthy for killing Mouzone. Some allow that Stringer could be morally responsible for the result of Omar's action—that is, for Mouzone's death.<sup>12</sup> Others allow that he could also be morally responsible for the outcome that Omar killed Mouzone. Some might even allow that Stringer could be just as blameworthy for bringing about the outcome that Omar killed Mouzone in *Testimony* as he would be for shooting and killing Mouzone himself in *Lone Killer*.<sup>13</sup> As I explain in section 4, I do not substantively disagree with such a position. If this is your position, then my argument at least shows that there is no moral significance to the distinction between responsibility for an action and responsibility for the outcome of said action being performed.

Others acknowledge that an agent can be morally responsible and fully blameworthy for another agent's free and intentional action, but not simply by intentionally creating the conditions for the action in a way that causes it. According to David Atenasio, the first agent is only morally responsible for the other agent's action if she has authorized the other to act on her behalf.<sup>14</sup> Relatedly, Eric Wiland argues that an agent can be morally responsible for another's action if the two are engaged in a form of joint agency where the second agent takes direction from the first.<sup>15</sup> With a focus on similar cases, Daniel Story argues that an agent can be morally responsible for another agent's action if the other is acting *directly* on the first agent's intention—an intention that then continuously regulates the other's action.<sup>16</sup> What I will show is that such authorization, special mode of joint agency, or transmission of intention is not necessary for the social extension of moral responsibility for action.

Here I focus on the case where an agent *intends* another agent to perform an action, since I believe that such a case provides the strongest intuitive support

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Agent"; Fischer and Tognazzini, "The Physiognomy of Responsibility"; Deery and Nahmias, "Defeating Manipulation Arguments"; and Khoury, "The Objects of Moral Responsibility." A denial of my thesis is also at least suggested by Davidson, in "Agency." (See note 56 in section 3 below.)

- 12 According to Fred Dretske, Stringer could cause and be responsible for Mouzone's death, but *not* for Omar's act of killing (see "The Metaphysics of Freedom"). For a decisive objection to this intriguing view, see McCann, "Dretske on the Metaphysics of Freedom," 622–23.
- 13 For an explicit defense of this kind of view, see Himmelreich, "Responsibility for Killer Robots."
- 14 Atenasio, "Co-responsibility for Individualists."
- 15 Wiland, "(En)joining Others."
- 16 Story, *Essays Concerning the Social Dimensions of Human Agency*, chs. 3–4. See also Roth, "Entitlement to Reasons for Action."

for my thesis.<sup>17</sup> But, plausibly, an agent can recklessly or negligently bring about another agent's free and intentional wrongdoing in a way that makes him responsible and (less than fully) blameworthy for that wrongdoing, just as an agent can act recklessly or negligently and thereby become responsible and (less than fully) blameworthy for his own future (unwitting) wrongdoing.<sup>18</sup> In addition, I focus on a case where an agent performs a positive action in order to bring about the outcome that another performs an action. I here leave aside cases where the first agent omits to act in order to let the outcome that the other performs an action come about. Furthermore, I focus on cases of socially extended blameworthiness for wrongdoing and leave aside cases of socially extended praiseworthiness for morally exemplary action.

Without this narrowed focus, my argument would be relevant for a wider range of real-world cases, but cases similar to *Testimony* do occur in the real world. For example, people sometimes reveal the identity of convicted criminals or political activists online with the intent that others harass or attack them. Some cases of legal or civil entrapment also resemble *Testimony*, although the first agent does not then simply intend the second agent to commit the wrongdoing but also that he be prosecuted or otherwise exposed for committing it—something that affects the first agent's degree of blameworthiness for the entrapped agent's wrongdoing.<sup>19</sup>

My argument and thesis also have theoretical implications. It helps make sense of how several agents can be jointly blameworthy for a joint intentional wrongdoing or conspiracy, as each of them could be fully morally responsible and blameworthy for the whole intended joint wrongdoing, including both their own intentional contribution and the others' intentional contributions.<sup>20</sup> In section 5, I show how the argument for my thesis undermines an attempt to respond to manipulation arguments that favor incompatibilism about moral responsibility and determinism. Furthermore, as I show in section 6, my argument may have consequences for how to best think about the difference between the legal responsibility and liability of principals and accomplices.

17 On intending that others act, see Bratman, "I Intend That We J"; Ludwig, *From Individual to Plural Agency*, 102–6, 207–10; and Núñez, "Intending Recalcitrant Social Ends."

18 See Smith, "Negligence." For an informative discussion of how an unwitting wrongdoing must be related to a "benighting act" to be traceable to it, see Robichaud and Wieland, "A Puzzle concerning Blame Transfer."

19 On such differences in the degrees to which the agents are blameworthy, see the final paragraph of section 2 below. On entrapment, see Hill, McLeod, and Tanyi, "The Concept of Entrapment."

20 See Blomberg and Hindriks, "Collective Responsibility and Acting Together"; and Ludwig, "From Individual Responsibility to Collective Responsibility."

In section 1, I provide sets of jointly sufficient conditions for moral responsibility and blameworthiness. I hope that most readers will find these jointly sufficient conditions acceptable. I also introduce a crucial distinction between basic and nonbasic moral responsibility. An agent is basically responsible only for that over which he has direct control—his basic actions—such as his decisions or bodily movements. Drawing on work by Carolina Sartorio, I provide principles (sufficient conditions) for how moral responsibility and blameworthiness can then be causally transmitted to outcomes and nonbasic actions of bringing those outcomes about.

In section 2, I present my positive argument: the symmetry argument. I argue that the jointly sufficient conditions for basic and nonbasic moral responsibility and blameworthiness yield the result that, other things being equal, Stringer can be morally responsible and fully blameworthy for the killing of Mouzone in both *Testimony* and *Lone Killer*. There is a perfect symmetry between the cases as far as Stringer's moral responsibility and blameworthiness for the killing are concerned. In both cases, Stringer is basically responsible for a decision or bodily movement (moving his vocal cords, tongue, and lips in *Testimony*; flexing his index finger in *Lone Killer*). He is blameworthy for this basic action in each case because he intended and foresaw that it would causally result in Mouzone's death. Since his basic action in each case did cause Mouzone's death in the way he intended and foresaw, he is in each case fully blameworthy for the killing of Mouzone as well as for the outcome that Mouzone died.<sup>21</sup>

In sections 3–6, I consider and respond to four different objections to this symmetry argument. The first three objections are grounded in ideas about free will, intentional agency, and the kind of control agents have of their own actions when they are morally responsible and fully blameworthy for them. The fourth objection is a normative policy-based objection, based on the autonomy doctrine in Anglo-American criminal law. According to this doctrine, Stringer could not be legally liable at all in *Testimony* for the murder of Mouzone. Whatever the legal justification for the doctrine might be, a moral version of the autonomy doctrine should be rejected. Even if Stringer's act of telling Omar the truth is not as such culpable, Stringer can nevertheless be responsible and fully blameworthy for Omar's killing of Mouzone.

21 Similar arguments have been offered by Moore ("Causing, Aiding, and the Superfluity of Accomplice Liability") and Bazargan-Forward ("Complicity") for the conclusion that a distinct kind of liability for accomplices is superfluous.

## 1. MORAL RESPONSIBILITY, BLAMEWORTHINESS, AND ACTION

An agent is morally responsible for an action or outcome if she stands in a relation to that action or outcome such that she would be an appropriate target of blame (praise) for it if it was morally bad (good). In this sense, an agent can be morally responsible not only for wrongdoing or otherwise morally significant actions but also for morally insignificant actions such as, say, drinking a glass of water or putting on a jacket in an ordinary context where such an action lacks moral significance.<sup>22</sup> With that said, for brevity's sake I will from now on use "responsible" and "responsibility" elliptically for "morally responsible" and "moral responsibility." So, the thesis I will be arguing for is that an agent can stand in the responsibility relation not only to her own intentional actions but also to the intentional actions of other agents. When the other agent's action is morally wrong or bad, both agents can be blameworthy for that action. The blame I take the agents to be worthy of here is, paradigmatically at least, moral anger from others and guilt on the part of the agents themselves. This does not mean that blame cannot take other forms, where these other forms are perhaps associated with distinct kinds of responsibility.<sup>23</sup> However, my focus is on the kind of responsibility for wrongdoing that makes an agent an appropriate target of moral anger or guilt in light of the wrongdoing.

Since I would like the argument for my thesis to be compatible with many plausible accounts of the kind of responsibility and blameworthiness that I focus on, I will start by suggesting a set of *jointly sufficient* conditions for such responsibility.

An agent *S* is responsible for  $\phi$ -ing if

1. *S* has direct control over  $\phi$ -ing (*S* freely  $\phi$ s);
2. *S* is aware of what *S* is doing in  $\phi$ -ing;
3. *S* is aware of the moral significance (or lack thereof) of  $\phi$ -ing;
4. *S* has the ability "to feel and understand moral sentiments and reactive attitudes" (such as moral indignation, guilt, gratitude); and
5. *S*'s desires or values that motivated *S* to  $\phi$  were not acquired by manipulation that bypassed *S*'s reasoning capacities, but rather were acquired in a way that makes those desires or values her own.<sup>24</sup>

22 Here I follow Fischer and Ravizza, *Responsibility and Control*, 8n11; Talbert, *Moral Responsibility*, 1–2; and Sartorio, "Responsibility and Causation," 351–52. Some use "moral responsibility" more narrowly to refer to responsibility for actions, omissions, or outcomes that are morally significant: see McKenna, *Conversation and Responsibility*, 16–17; Vargas, *Building Better Beings*, 307–9; and Mele, *Manipulated Agents*, 4.

23 For an overview, see Jeppsson, "Accountability, Answerability, and Attributability."

24 Russell, "Responsibility and the Condition of Moral Sense," 293. Regarding historical conditions on an agent being the owner or source of her desires or values, see Kane, *The Significance of Free Will*; and Mele, *Manipulated Agents*.

Some of these conditions may not be necessary for *S* to be responsible for  $\phi$ -ing, and perhaps some of them are not fundamental; for example, perhaps 2 is encompassed by 1, or 4 is encompassed by 3. Furthermore, the control or freedom involved in condition 1, as well as the ownership involved in condition 5, can be understood as requiring the ability to do otherwise (regulative control) or as only requiring the ability to guide behavior in a way that is responsive to reasons (guidance control).<sup>25</sup>

Conditions 1–5 are jointly sufficient for *basic responsibility*. We are basically responsible only for actions over which we exercise direct control, where this direct control can be understood as direct regulative control or direct guidance control.<sup>26</sup> Exercising control over a mental action such as making a decision, or over a bodily action such as flexing my right index finger, is normally not done indirectly by means of controlling some other more basic action (unless I flex my right finger indirectly by closing it with my left hand). Instead, we normally directly control these actions. Sartorio thus mentions “choices” as an example of an action that we might have direct control over, and that therefore could be an object of basic responsibility.<sup>27</sup> Randolph Clarke, in describing what he takes to be an attractive and widely held view, also includes bodily movements as possible objects of an agent’s direct control and basic responsibility, although he excludes everything beyond the agent’s body.<sup>28</sup>

On Donald Davidson’s influential account of the nature of actions, which is often assumed within contemporary moral responsibility theory, the view described by Clarke would imply that we can be basically responsible only for our own actions.<sup>29</sup> According to Davidson, all actions are, strictly speaking, “primitive actions”—now more commonly known as “basic actions”—and these are actions that an agent can perform directly, not by means of performing some other action.<sup>30</sup> Davidson thinks that all such basic actions are

25 The terms “regulative control” and “guidance control” are from Fischer and Ravizza, *Responsibility and Control*.

26 See Sartorio, *Causation and Free Will*, 25; and Clarke, *Omissions*, 106–7, and “Responsibility for Acts and Omissions,” 94–95. Sartorio calls basic responsibility “direct responsibility,” but since “direct responsibility” is used by some philosophers in a way that allows for direct responsibility to overflow direct control (see section 4 below), I prefer “basic responsibility.”

27 Sartorio, “Responsibility and Causation,” 348; cf. Zimmerman, “Taking Luck Seriously,” 564.

28 Clarke, “Responsibility for Acts and Omissions,” 95.

29 Davidson’s account seems to be assumed by, e.g., Sverdlik, “Collective Responsibility,” 65–66, 72; Frankfurt, “What We Are Morally Responsible For,” 290–92; and Fischer and Ravizza, *Responsibility and Control*, 82–83, 116.

30 See Davidson, “Agency,” 10–11.



bodily movements: "We never do more than move our bodies: the rest is up to nature."<sup>31</sup> Moving one's body must be understood liberally though, to include mental actions such as making decisions.<sup>32</sup> Some philosophers of action restrict basic actions to *tryings*, so that even one's bodily movements turn out to be "up to nature" rather than up to oneself.<sup>33</sup> Either way, a basic action can then be picked out with descriptions that mention or imply its intended or unintended consequences—that is, that mention or imply events that are up to nature. To illustrate, Stringer's flexing of his index finger (or his trying to flex it) in *Lone Killer* could be picked out with the description "Stringer's killing of Mouzone," a description that implies the (intended) consequence that Mouzone dies.

These views are not supposed to capture what people—in a colloquial sense—*do*. When people do things, they typically make changes to the world beyond the movements of their bodies. As Davidson notes about his own view that basic actions are all the actions there are, it may come with a "shock of surprise."<sup>34</sup> But we can make room for what people do in a colloquial sense by allowing that there are nonbasic actions in addition to basic actions. When Stringer kills Mouzone by flexing his right index finger, besides the basic action of flexing his finger being performed, many nonbasic actions, such as the killing of Mouzone, are "generated" as well.<sup>35</sup> Alternatively, perhaps the basic action should be thought of as just one component of the larger nonbasic action.<sup>36</sup> We can also simply use a term other than "action," such as "conduct," to loosely refer to both actions (in the technical Davidsonian sense) and some of the outcomes of those actions in order to capture what people in a colloquial sense do.<sup>37</sup>

Since an agent is not in direct control over her nonbasic actions, she cannot be basically responsible for them. Once Stringer has aimed his handgun and flexed his index finger, he has no control over the immediate consequences of this basic action, which means that he does not have direct control over the nonbasic action of killing Mouzone. Here we have a small pocket of "local fatalism."<sup>38</sup> According to those who deny that there is resultant moral luck—

31 Davidson, "Agency," 23.

32 Davidson, "Agency," 11.

33 See Hornsby, *Actions*; and Khoury, "The Objects of Moral Responsibility."

34 Davidson, "Agency," 23.

35 See Goldman, *A Theory of Human Action*, 23.

36 Weil and Thalberg, "The Elements of Basic Action."

37 See McKenna, *Conversation and Responsibility*, 17.

38 Dennett, *Elbow Room*, 115–17. Of course, Stringer may have indirect control over the basic action's more distal consequences. If Mouzone does not die immediately, then whether he survives or dies from the gunshot wound may depend on whether Stringer calls an ambulance after flexing his index finger.

also known as “consequential” or “outcome” moral luck—an agent can only be responsible for that over which he has direct control.<sup>39</sup> This means that an agent cannot be responsible for his nonbasic actions. Whether the bullet from Stringer’s gun actually hits Mouzone depends on many things beyond Stringer’s control, such as whether a bird happens to fly by and stop the bullet before it reaches Mouzone. Hence, one might think that it would therefore be wrong to blame him for anything beyond what he directly controls, and wrong to adjust the degree to which he is deemed blameworthy in light of what is up to nature.<sup>40</sup>

Our practice of holding each other responsible for what we do—for our “conduct”—does make room for responsibility for nonbasic actions as well as outcomes. We do not hold each other responsible only for our tryings or bodily movements. In *Lone Killer*, we might not know what bodily movement Stringer made to bring about Mouzone’s death, and even if we did know, the movement would not be our focus in holding him responsible and blaming him for killing Mouzone. Perhaps Stringer squeezed the trigger with his middle or ring finger rather than with his index finger, or perhaps he did not shoot Mouzone but instead stabbed or poisoned him (or indeed, perhaps he moved his lips and led someone else to kill him). While Stringer presumably moved his body in some way when he killed Mouzone, the bodily movement is not the primary object of blameworthiness. If it were, then the fact that we pick it out with a verb that implies the particular consequence that Mouzone died would just be a matter of convenience. We could pick it out by any of infinitely many alternative descriptions that do not imply that Mouzone died. But our focus and the object of blameworthiness is *the killing of Mouzone*, where this includes Mouzone’s death. So, assuming a Davidsonian view of action, when we hold an agent responsible for what he “does,” we typically primarily hold him responsible for an outcome that he brought about.

In other words, when we hold each other responsible for what we have done, we typically hold each other responsible for what is partly up to nature. I think that our practice of holding people responsible ought to be this way. However, it is beyond this paper’s scope to argue for resultant moral luck. I will simply assume that such moral luck should be accepted.<sup>41</sup> Without it, an agent could

39 For an overview, see Nelkin, “Moral Luck.”

40 Such an antiluck view is endorsed by, e.g., Sverdlik, “Crime and Moral Luck”; Frankfurt, “Three Concepts of Free Action,” 123, and “What We Are Morally Responsible For,” 290–93; and Khoury, “The Objects of Moral Responsibility.” Sverdlik and Frankfurt take actions to be bodily movements, while Khoury identifies them with tryings.

41 My view is that resultant moral luck affects both what agents are blameworthy for—the “scope” of blameworthiness—and the degree to which they are blameworthy for it. For defenses of such a view, see Hartman, *In Defense of Moral Luck*; and Lang, *Strokes of Luck*.

not be responsible for *anything* beyond the boundary of his own body or will.<sup>42</sup> My thesis would thus be excluded from the get-go.<sup>43</sup> My goal is thus to convince those who accept resultant moral luck to accept my thesis.<sup>44</sup>

How is an agent's basic responsibility for decisions or other basic actions extended to nonbasic responsibility for outcomes and the nonbasic actions of bringing those outcomes about?<sup>45</sup> The following principle provides a plausible *sufficient* condition for nonbasic responsibility for outcomes and nonbasic actions:

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For the view that resultant moral luck only affects the scope of blameworthiness, see Zimmerman, "Taking Luck Seriously."

- 42 Even without resultant moral luck, there need not be any significant asymmetry with respect to Stringer's responsibility and blameworthiness between *Lone Killer* and *Testimony*. Stringer's trying or bodily movement could in both cases be picked out with the description "Stringer's killing of Mouzone" (or "Stringer's killing\* of Mouzone," where "kill\*" is like "kill" except that it allows for the involvement of an intermediary agent's intentional action; see note 9 above). In *Lone Killer*, this description would pick out the flexing of his index finger; in *Testimony*, it would pick out the movements of his vocal cords, tongue, and lips. Since Omar directly controlled his basic action with the intention of killing/killing\* Mouzone in both cases, and his basic action caused Mouzone's death as intended, one could argue that it would be appropriate to hold Stringer responsible for his action under the description "his killing/killing\* of Mouzone" in both cases (see Khoury, "The Objects of Moral Responsibility," 1365–66). However, Stringer could just as well be held responsible for this action under the description "trying to kill/kill\* Mouzone by moving his body," since whatever happens beyond Omar's direct control is supposed to be irrelevant. Because of this, antiluckists David Enoch and Andrei Marmor argue that "what we need is a reason to hold Brian [Stringer] morally responsible for his reckless drunken driving [trying to kill/kill\* Mouzone] under the description of a killing [/killing\*]. . . . But any such reason will just be a reason to acknowledge moral luck" ("The Case against Moral Luck," 411). Either way, *Lone Killer* and *Testimony* could be symmetrical with respect to Stringer's moral responsibility and blameworthiness.
- 43 That is, unless one agent's basic action can have another agent's basic action as a part (see Ford, "The Province of Human Agency," 715–16) or be identical to it (see Blomberg, "Socially Extended Intentions-in-Action").
- 44 Denial of resultant moral luck arguably motivated Hywel D. Lewis's widely quoted rejection of the possibility of responsibility for another agent's action: "If I were asked to put forward an ethical principle which I considered to be especially certain, it would be that no one can be responsible, in the properly ethical sense, for the conduct of another" ("Collective Responsibility," 3). Several passages, including the following, suggest that Lewis would not accept that an agent can be responsible for outcomes or even for behavior: "We want to be sure that our estimation of [a person's] moral worth is not prejudiced by considerations relating only to outward action" (4).
- 45 See Clarke, "Responsibility for Acts and Omissions," 94–96; and Sartorio, "Responsibility and Causation," 348–55. Clarke uses the terms "indirect responsibility" or "derivative responsibility," and Sartorio uses "derivative responsibility." But some philosophers tie these terms to so-called tracing cases (see section 4). Nonbasic responsibility covers not only responsibility in such tracing cases.

*Intended Causal Transmission of Responsibility:* If  $S$  is responsible for  $\phi$ -ing, and the  $\phi$ -ing caused outcome  $C$ , and  $S$  intended and foresaw that the  $\phi$ -ing would (or was likely to) cause  $C$  in roughly the way that the  $\phi$ -ing did cause  $C$ , then  $S$  is responsible for  $C$  and for bringing  $C$  about.<sup>46</sup>

If responsibility for outcomes or nonbasic actions is accepted at all, I take it that this principle is relatively uncontroversial.<sup>47</sup> Since Stringer in *Lone Killer* is basically responsible for flexing his index finger (or for deciding to do so), and since this bodily movement (or decision) caused Mouzone to die in roughly the way that Stringer intended and foresaw, he is nonbasically responsible for the outcome that Mouzone dies.<sup>48</sup> Allowing for nonbasic actions, Stringer would also be nonbasically responsible for killing Mouzone, since Stringer is nonbasically responsible for bringing about Mouzone's death in a way that amounts to killing him.

Under what conditions is an agent *blameworthy* for what she is basically responsible for? To get plausible jointly sufficient conditions for  $S$  to be blameworthy for the  $\phi$ -ing, we need to add the following two conditions to our previous conditions 1–5:

6. the  $\phi$ -ing is morally wrong; and
7. the  $\phi$ -ing manifests  $S$ 's "ill will or indifference or lack of concern" toward others or toward morality.<sup>49</sup>

46 The principle is adapted from Sartorio's principle "S" (Responsibility and Causation," 349–51).  $S$  only includes the condition that the agent foresees the outcome, not that the agent also intends the outcome to be a result of the action. My principle explicitly includes a clause meant to exclude cases of overly deviant causation, where the intended and foreseen outcome does occur, but not at all in the way that the agent intended or foresaw.

47 Davidson suggests that "we may indeed extend responsibility or liability for an action to responsibility or liability for its consequences ... by pointing out that his original action had those results" ("Agency," 23). Likewise, Fischer and Ravizza, when discussing a case where "Sam is morally responsible for his action of shooting and killing the mayor," submit that "it seems very plausible to say that Sam can also fairly be held morally responsible for the consequence, *that the mayor is shot*" (*Responsibility and Control*, 93).

48 An agent is not basically responsible for his primitive action by causing it: "Doing something that causes my finger to move does not cause me to move my finger; it is moving my finger" (Davidson, "Agency," 11). See also Sartorio, *Causation and Free Will*, 25–26. This does not rule out the possibility that the agent's earlier action, such as his decision to later move his finger, caused him to later move his finger. The agent would then be responsible for the movement both basically and nonbasically.

49 Strawson, "Freedom and Resentment," 199. Michael McKenna argues that an agent being responsible for a moral wrongdoing is insufficient for her being blameworthy for it, since the wrongdoing must also manifest her bad "quality of will" (*Conversation and Responsibility*, 19–20).

In *Lone Killer*, other things being equal, Stringer's basic action of flexing his index finger is morally wrong. It is morally wrong because it causes Mouzone's death in a way that Stringer intended and foresaw. Stringer's flexing of his index finger also manifests his ill will toward Mouzone. For an agent's "ill will or indifference or lack of concern"—her "bad quality of will"—to be manifest in a decision or basic action, it simply needs to be rationalized and caused by intentions, desires, or beliefs about reasons for action that are morally objectionable. Conditions 6 and 7 are thus satisfied in *Lone Killer*: Stringer is blameworthy for flexing his finger.

Just as responsibility for a basic action can be transmitted by causation to intended and foreseen outcomes of the basic action, so can blameworthiness:

*Intended Causal Transmission of Blameworthiness:* If *S* is blameworthy for  $\phi$ -ing partly or wholly because *S* intended and foresaw that the  $\phi$ -ing would likely causally result in *C*, and the  $\phi$ -ing resulted in *C* in roughly the way *S* intended and foresaw, then *S* is blameworthy for *C* and for bringing *C* about.<sup>50</sup>

This principle closely mirrors the intended causal transmission of responsibility principle. But what does it mean for an agent to be blameworthy for an outcome? It means that the outcome, and not only the basic action that causes it, manifests the agent's bad quality of will. The term "manifest" may misleadingly suggest that in order for an agent to be blameworthy for an action, the agent's morally objectionable intentions, choices, or judgments about reasons must be publicly expressed and on full display in the action. But this would not be a plausible requirement since an agent can be blameworthy for a wrongdoing or a morally bad outcome while hiding his morally objectionable motivations and aims.<sup>51</sup> It is sufficient if the agent's morally objectionable intentions, choices, or judgments about reasons nondeviantly cause and rationalize the wrongdoing. Since Stringer is blameworthy for flexing his index finger because he intended and foresaw that it would cause Mouzone's death, and this basic action did cause Mouzone's death in roughly the way Stringer intended and foresaw, he is also blameworthy for the outcome that Mouzone died and for bringing this outcome about. The fact that Stringer nondeviantly brought about Mouzone's death means that this result, and not only Stringer's flexing of his index finger, manifests Stringer's bad quality of will. This upshot, I take it, will accord with most people's intuitions.

50 The principle is adapted from Sartorio's "Principle of Derivative Blameworthiness" (*Causation and Free Will*, 77).

51 Cf. McKenna, *Conversation and Responsibility*, 92–94.

## 2. THE SYMMETRY ARGUMENT

Stringer can be responsible and fully blameworthy for the killing of Mouzone in *Testimony*, just as he is in *Lone Killer*. Setting aside wholesale skepticism about basic responsibility or morality, conditions 1–7 can in both cases be satisfied with respect to Stringer’s basic action. In both cases, there is intended causal transmission of both responsibility and blameworthiness such that Stringer is nonbasically responsible for the killing of Mouzone. Since I have already used *Lone Killer* to illustrate the conditions and principles in the previous section, I will here focus on Stringer’s responsibility and blameworthiness for the killing in *Testimony*.

Stringer can be basically responsible for moving his vocal cords, tongue, and lips when he reveals the truth to Omar. If he decided to do this freely, is aware of what he is doing, is aware of its moral significance, and so on, then he is basically responsible for this basic action. Partly because he intends and foresees that this basic action will bring about Mouzone’s death by causing Omar to kill Mouzone, he is also blameworthy for performing the basic action. If Stringer himself is a lousy shooter, then the probability that the movements of his vocal cords causally result in Mouzone’s death in *Testimony* may be just as high or higher than the probability that the flexing of his index finger causally results in Mouzone’s death in *Lone Killer*.

In light of the intended and foreseen causal connection between Stringer’s morally objectionable reasons for action and intention and Omar’s intention and action, Omar’s killing of Mouzone manifests Stringer’s (as well as Omar’s) ill will toward Mouzone.<sup>52</sup> Recall that a wrongdoing manifests an agent’s ill will if the wrongdoing was nondeviantly caused and rationalized by the agent’s morally objectionable intentions, choices, or judgments about reasons. Given that Stringer’s action nondeviantly caused Mouzone’s death by causing Omar to kill Mouzone in the way Stringer intended and foresaw, Stringer is responsible and fully (but not solely) blameworthy for Omar’s killing of Mouzone. What makes Stringer responsible and blameworthy here has parallels in the case of *Lone Killer*; it is just that there is in *Lone Killer* only a bullet fired from a gun and not also a free intentional action that mediates and transmits responsibility and blameworthiness from Stringer’s executed intention to Mouzone’s death. In both cases, Stringer is nonbasically responsible and blameworthy for the killing of Mouzone. There need be no differences between *Lone Killer* and *Testimony* relevant for Stringer’s responsibility and blameworthiness for the killing.

52 As David Shoemaker puts it, an action can be “overdetermined” by the wills of several agents (“Responsibility without Identity,” 123–24).

That concludes the positive argument for my thesis. In the rest of the paper, I will respond to various objections to the argument. But before turning to the first objection, let me clarify that I take each agent to be blameworthy on the basis of their own quality of will, insofar as that quality of will is manifest in the wrongdoing.<sup>53</sup> This means that the degree of blameworthiness for the wrongdoing can differ between the first and the second agent, along with the quality of their wills, in a case such as *Testimony*. If Omar kills Mouzone in an especially brutal way, but Stringer had no reason to believe that the killing he caused would be especially brutal, then the brutality does not manifest Stringer's quality of will. But if Stringer intended and foresaw that the killing would be brutal, then it does manifest his quality of will. If Stringer intends the killing to be brutal, but Omar instead kills Mouzone quickly and painlessly while Mouzone is asleep, then the killing does not manifest Stringer's full degree of bad will, and the remainder of the bad will left out of the action would not add to Stringer's degree of blameworthiness for the killing.<sup>54</sup> Note also that intentionally causing someone else to perform an action in a foreseeable way and actually performing an action will often require different skills and efforts as well as virtues or vices. These are factors that may be relevant for our assessment of the agent in light of the action. But as far as blameworthiness for the wrongdoing as such goes, the agent that intentionally causes another to do wrong would be responsible for it in the relevantly same way that he is responsible for his own nonbasic actions. No special grounds of responsibility and blameworthiness for the actions of others are needed.

### 3. FIRST OBJECTION: FREE INTENTIONAL ACTIONS CANNOT BE CAUSED

Some might object that Stringer's action could not cause Omar to kill Mouzone, at least not if Omar's decision to kill Mouzone was up to him—that is, if his killing of Mouzone was a free intentional action.<sup>55</sup> If true, then this would of course also mean that Stringer could not correctly foresee that his action would *cause* Omar to freely kill Mouzone. This would also mean that Omar's action of killing Mouzone could not manifest Stringer's ill will toward Mouzone. Successful manifestation requires that the manifesting action causally depend on

53 An exception where this might not be true is a "fission" case where a postfission successor is blameworthy for the prefission predecessor's wrongdoing on the basis of the prefission predecessor's quality of will, rather than on the basis of their own quality of will. See Shoemaker, "Responsibility without Identity." For the contrary view, see Köhler, "Moral Responsibility without Personal Identity?"

54 Cf. Markovits, "Acting for the Right Reasons," 209–14.

55 See, e.g., Ginet, "An Action Can Be Both Uncaused and Up to the Agent."

the quality of will manifested. In other words, assuming that no noncausal principle of responsibility- and blameworthiness-transmission is applicable in *Testimony*, Stringer would not, on this view, be responsible and blameworthy for Omar's killing of Mouzone.

In response to this, the first thing to say is that this sort of noncausal libertarian view is *prima facie* implausible.<sup>56</sup> It becomes difficult to make sense of ordinary social interaction such as the asking for and giving of directions without such social interaction involving agents performing actions that deterministically or indeterministically cause intentional responses performed by interlocutors. There are, in general, good reasons for thinking that one agent can cause as well as causally control another's free intentional action.<sup>57</sup> There may be good reasons for thinking that one could not cause another's intentional action in such a way that the other agent could not avoid performing it, but that is a different matter.<sup>58</sup>

On any plausible libertarian view, the fact that it is up to an agent *T* (the second agent; Omar) whether to  $\psi$  (kill Mouzone) should not exclude the possibility that *S*'s  $\phi$ -ing (Stringer's act of assertion) could be a nondeterministic cause of *T*'s  $\psi$ -ing, which is possible as long as it is up to *T* to allow *S*'s  $\phi$ -ing to become, or prevent it from becoming, a cause of *T*'s  $\psi$ -ing.<sup>59</sup> If Stringer puts deadly poison in Mouzone's food, then it may be up to Omar, who has the antidote, to allow Stringer's act to become, or prevent it from becoming, a cause of Mouzone's death. Similarly, if Stringer tells Omar that Mouzone murdered his beloved, then it may be up to Omar, who has the gun, to allow Stringer's act to become, or prevent it from becoming, a cause of Mouzone's death. Hence, even if the control involved in condition 1, or the ownership involved in condition 5, requires *S* to have libertarian free will, Stringer could nevertheless be responsible and fully blameworthy for Omar's free and intentional killing of Mouzone. After all, Stringer could still have the ability to foresee Omar's decision to kill Mouzone. Given that Stringer knows what sort of person Omar is—what his

56 Dretske, who is a compatibilist, also argues that "when the actions are intentional, the causal buck—and, therefore, the responsibility—stops at the [intermediary] actor" ("The Metaphysics of Freedom," 8; see also note 12 above). Davidson ("Agency," 16n10) suggests that it "could be said" that the transitivity of causality breaks down in cases where an intermediary agent intentionally brings about the result of an agent's action, but this is best interpreted as a pragmatic point about our ordinary use of "cause." See also Hart and Honoré, *Causation in the Law*, 42–44.

57 See Feinberg, "Causing Voluntary Actions"; Dennett, *Elbow Room*, ch. 3; and Capes, "Freedom with Causation."

58 See Alvarez, "Actions, Thought-Experiments and the 'Principle of Alternative Possibilities,'" 67, 72.

59 See Capes, "Freedom with Causation."



fears, aims, and values are—Stringer could make an informed and reasonable judgment regarding how Omar will react to the information he is about to receive, even if Omar's reaction is genuinely up to him. It might be that in order for condition 5 to be satisfied, Omar must have faced a “torn” decision, where he made an undetermined “self-forming willing” such that it would have been impossible in advance to foresee or assign a higher than 50 percent probability to his choice, but that does not mean that Omar's killing of Mouzone needs to be the direct result of such a torn decision.<sup>60</sup> At most, it must be the result of desires or values that are in part the result of such torn decisions in the past.

#### 4. SECOND OBJECTION: “SECOND-CLASS” RESPONSIBILITY

One might object that the symmetry argument merely shows that an agent can be responsible and blameworthy for the outcome that another agent performs an action. It does not show that the agent can be responsible and blameworthy for the other's action itself. On the Davidsonian view, according to which there are only basic actions, Stringer's responsibility for his own killing of Mouzone in *Lone Killer* (i.e., for his bodily movement that is describable as his killing of Mouzone) will be an instance of responsibility for an action, while his responsibility with respect to Omar's killing of Mouzone in *Testimony* will be an instance of responsibility for an outcome, namely, the outcome that Omar kills Mouzone.<sup>61</sup> Stringer is not responsible for Omar's bodily movement itself, which is describable as Omar's killing of Mouzone. According to this objection, an agent could thus not be directly responsible for another agent's action in the same way that the other agent herself is. This conclusion can also be reached from other accounts of what actions are. According to Alvin Goldman, Stringer's basic action of flexing his right index finger in *Lone Killer* “causally generates” his nonbasic action of killing Mouzone; it does not *cause* it.<sup>62</sup> (If Stringer took an electric scooter to find Mouzone before killing him, and pressed down the accelerator button with his right index finger, then the flexing of his index finger could be a cause of his later action of killing Mouzone, but this would be a different case.) Indeed, if one action causes another, then it cannot causally generate it, and *vice versa*.<sup>63</sup> Similarly, on a componential view of action, the basic action cannot cause the nonbasic action because the former is a part of

60 On torn decisions and self-forming willings, see Kane, *The Significance of Free Will*, ch. 8.

61 See Aguilar, “Interpersonal Interactions and the Bounds of Agency,” 228–31.

62 Goldman, *A Theory of Human Action*, 23.

63 Goldman, *A Theory of Human Action*, 23.

the latter.<sup>64</sup> Again, this shows that an agent is not responsible for her own non-basic action (by performing a basic action that causally generates or is part of this action) in the same way that she is responsible for the other's action or for her own later action (by causing it).

However, these action-theoretic distinctions do not show that there is a difference between *Lone Killer* and *Testimony* such that Stringer stands in different kinds of responsibility relations to the killing of Mouzone in the two cases, nor such that Stringer is more blameworthy for the killing in the former case than in the latter. There is something like a mundane distinction between responsibility for an agent's action and responsibility for outcomes that are not part of an agent's action, and this distinction is morally significant. This is because the mundane distinction is typically used to distinguish intentional wrongdoing from recklessness or negligence. When we explicitly hold an agent responsible for an outcome, the outcome is typically a result of the agent's recklessness or negligence. Suppose that Mouzone has an inept bodyguard, called Lamar, who fell asleep at his post, resulting in Mouzone being killed. We can then imagine someone saying to Lamar, "Mouzone is dead, and it's your fault!" When we instead hold an agent responsible for an action (in a nontechnical sense), the agent has typically intended to produce the bad outcome. While the mundane distinction is morally significant then, we should not be misled into thinking that the superficially similar action-theoretic distinction between responsibility for an action and responsibility for an outcome is similarly morally significant.

The objection to the symmetry argument can also be put in terms of "direct" and "indirect" responsibility for action. In discussions of complicity, it is said that an agent's responsibility for his own actions is "direct," whereas his responsibility for another agent's actions is, at most, "indirect."<sup>65</sup> In discussions about individual moral responsibility, there is a parallel intra-agential distinction tied to so-called tracing cases, where an agent is indirectly responsible and blameworthy for an action even though he does not satisfy the conditions for basic responsibility, but where his blameworthiness can be traced back to, or inherited from, some earlier reckless, negligent, or malicious action for which he is directly responsible.<sup>66</sup>

64 E.g., Weil and Thalberg, "The Elements of Basic Action."

65 E.g., Gardner, "Complicity and Causality," 136.

66 See, e.g., McKenna, *Conversation and Responsibility*, 15–16, 188, 191; Levy, *Consciousness and Moral Responsibility*, 3; Mele, *Manipulated Agents*, 10–11; and Vargas, *Building Better Beings*, 34–35. Vargas uses the terms "original responsibility" and "derivative responsibility." McKenna occasionally also uses this latter term.

In tracing cases, an agent is responsible for his own action partly or wholly by virtue of being responsible for an earlier action of his that causes the later action in a foreseeable way. At the time of the later action, he fails to satisfy either the control condition 1 or the epistemic condition 2 and cannot therefore be directly responsible for that action. But since responsibility can be traced back to his earlier blameworthy action, he is nevertheless blameworthy also for the later action. We can think of *Testimony* in an analogous way, where the earlier action is Stringer's action of revealing to Omar that his beloved was murdered by Mouzone, and the later action is Omar's killing of Mouzone.<sup>67</sup> Omar, of course, meets all conditions for being responsible and fully blameworthy for the action of killing Mouzone. When it comes to Stringer, he intentionally causes Omar's killing of Mouzone in a way that he can foresee, but he does not satisfy what is normally a plausible personal identity condition on responsibility for action—"I didn't do it!" is typically a valid excuse. However, his responsibility and blameworthiness for the killing can in this case be traced back to his responsibility and blameworthiness for the earlier action of revealing the truth to Omar. Moreover, since Stringer performs the earlier action with the intention that Omar kill Mouzone, he is (just like Omar) responsible and fully blameworthy for the killing.<sup>68</sup>

Is it significant that Stringer's responsibility for the killing is direct in *Lone Killer* but indirect in *Testimony*? The distinction between direct and indirect responsibility is different from my and Sartorio's and Clarke's distinction between basic and nonbasic responsibility. Unlike basic responsibility, direct responsibility overflows direct control: an agent can be directly responsible for nonbasic actions and perhaps also for negligence. To illustrate the distinction between direct and indirect responsibility, Mele considers a case where an agent called Don intentionally illuminates a room by flipping a switch, knowing that the room's becoming illuminated "is a signal for his accomplices to perform a dastardly deed."<sup>69</sup> Since signaling to his accomplices "is not a basic action, he

67 Holly M. Smith considers a case where a doctor negligently fails to update a colleague on a recent finding that the traditional treatment for premature infants has a harmful side effect ("Negligence," 3). The colleague uses the treatment on an infant who is harmed. Smith submits that the doctor is blameworthy for this harm, but it is equally true that the doctor is blameworthy for the colleague's action of using the treatment.

68 Fischer and Ravizza present tracing as a component of their account of responsibility for (basic) actions rather than of their account of responsibility for outcomes (*Responsibility and Control*, 49–51). If their drunk driver's responsibility for killing a pedestrian is an instance of responsibility for action in addition to responsibility for *the outcome that he performs that action*, then Stringer, arguably, could be responsible for Omar's killing of Mouzone and not only for the outcome that Omar kills Mouzone.

69 Mele, "Direct versus Indirect," 571.

does not exercise direct control regarding it,” but he is nevertheless responsible for it, as Mele puts it, “in a first-class way.”<sup>70</sup> Mele motivates the distinction between direct and indirect responsibility as follows:

What motivates appeals to indirect moral responsibility are reasonable judgments that agents are morally responsible for some of their actions in a second-class way. Actions for which agents are indirectly morally responsible are said to inherit (some of) their moral responsibility from actions for which the agent is morally responsible in a first-class way. Recall the drunk driver, for example. He has first-class moral responsibility for some action or actions that preceded the crash and second-class moral responsibility for killing the pedestrians, and his moral responsibility for the killings is said to be inherited from his moral responsibility for the pertinent earlier actions.<sup>71</sup>

Mele does not elaborate on what is implied by responsibility being “first class” or “second class,” but a natural reading is that Mele is suggesting that it is worse (in terms of degree of blameworthiness) for an agent to be responsible for a wrongdoing in a first-class way than it is for her to be responsible for it in a second-class way.<sup>72</sup> If this were correct, my thesis would be false. Stringer would be responsible in a first-class way (directly) for the nonbasic action of killing Mouzone in *Lone Killer*, but he would only be responsible in a second-class way (indirectly) for Omar’s killing of Mouzone in *Testimony*. But I am arguing that *Testimony* illustrates that an agent can be responsible and blameworthy in a first-class way for another agent’s free and intentional action, even though the first agent’s responsibility for this action is wholly inherited from his direct responsibility for his own action of influencing the other agent.

However, the drunk driver’s responsibility for the killing of the pedestrians is second class in this sense not because it is inherited from direct responsibility for another action but because it is the upshot of the driver’s recklessness or negligence rather than a malicious intent. If the driver got drunk because he desired and intended to drive out of control through the streets and kill pedestrians, then his responsibility for later killing them would be first class. Similarly, Stringer can be responsible for Omar’s killing in a first-class way, despite his responsibility for this action being inherited, since the killing is the result of Stringer’s malicious intent rather than his recklessness or negligence.

70 Mele, “Direct versus Indirect,” 570.

71 Mele, “Direct versus Indirect,” 570–71.

72 Mele has clarified that this was not the reading he intended (personal communication).

On another natural reading of the quoted passage, the “reasonable judgments” that Mele refers to are action-theoretic judgments about what falls “inside” and “outside” the boundaries of an action, rather than judgments about degrees of blameworthiness. While it is reasonable to judge that Don’s moving of his body generates, or is part of, his nonbasic action of signaling to his accomplices, it is less reasonable to judge that the drunk driver’s moving his body (when drinking too much) causally generates, or is part of, a nonbasic action of crashing into and killing the pedestrians. In the former case, we have an extension of Don’s direct responsibility on the basis of a part-whole relation within the same complex action, or a generation relation within one and the same “act-tree.”<sup>73</sup> In the latter case, we instead have an inheritance relation between Don’s responsibility for two separate actions or act-trees. Similarly, in *Testimony*, there is a relation of inheritance from Stringer’s (indirect and second-class) responsibility for Omar’s killing of Mouzone to his (direct and first-class) responsibility for his own testimony. But in *Lone Killer*, there is a relation of causal generation, or a part-whole relation, such that Stringer is responsible (directly and in a first-class way) for killing Mouzone.

These are indeed reasonable judgments regarding the extensions of different agents’ nonbasic actions. However, they do not show that there is a difference between Stringer’s responsibility relation to the killing in *Lone Killer* and his responsibility relation to the killing in *Testimony*, nor do they support the claim that he is more blameworthy for the killing in the former case than in the latter.

##### 5. THIRD OBJECTION: THE OTHER’S ACTION IS CAUSED TOO SENSITIVELY

*Lone Killer* and *Testimony* appear to differ in causal structure in a way that may seem relevant for the kind of control that Stringer has over the outcome that Mouzone is killed, and hence, one might think, for his responsibility for that outcome. According to Fred Dretske, as well as Marius Usher, this difference would explain why Stringer kills Mouzone in *Lone Killer* but not (allegedly) in *Testimony*.<sup>74</sup> Given an intimate connection between robust causal control and responsibility and the degree of blameworthiness, the difference in causal structure would also support the view that while Stringer is responsible and blameworthy for the killing of Mouzone in *Lone Killer*, he could not be responsible and blameworthy for (Omar’s) killing (of) Mouzone in *Testimony*—at least not to anything like the degree to which Omar is responsible and blame-

73 On the notion of an act-tree, see Goldman, *A Theory of Human Action*, ch. 2.

74 See Dretske, “The Metaphysics of Freedom”; and Usher, “Agency, Teleological Control and Robust Causation.”

worthy for the killing.<sup>75</sup> Similarly, Oisín Deery and Eddy Nahmias argue that an agent is responsible for a result only if he is the *causal source* of it.<sup>76</sup> An agent is the causal source of the result if and only if, roughly, his behavior is the prior event that, among all prior events, most robustly causes it. Since a second autonomous agent's behavior is caused by a holistic web of beliefs, desires, and other mental states that are continuously tracking and adapting to changes in the world, the first agent's intention will typically not be the most robust cause of the second agent's action. Rather, the most robust cause will typically be the second agent's own intention. Because of this, the first agent cannot be responsible and fully blameworthy for the second agent's action. In effect, the transmission of the first agent's responsibility and blameworthiness along the line of intended causation is blocked by the second agent's intention.

Dretske and Usher draw on David Lewis's idea that the dependence between a cause and an effect can be more or less insensitive/robust. According to Lewis,  $C_1$  causes  $E_1$  more insensitively/robustly than  $C_2$  causes  $E_2$  if the range of nearby possible worlds in which  $C_1$  causes  $E_1$  is wider than that in which  $C_2$  causes  $E_2$ .<sup>77</sup> Dretske uses this notion of insensitive causation to argue that "the special kind of causal dependency required to make an action (e.g., killing) out of a causal relation (causing someone's death) is ... an insensitive causal dependence."<sup>78</sup> Similarly, Usher takes the kind of control that responsible agents have over their actions to be such that their intentions insensitively cause their intended effects.<sup>79</sup> While I think that intermediary autonomous agents are compatible with insensitive causal dependence, it is true that they often introduce a significant measure of sensitivity.<sup>80</sup> In *Testimony*, since Omar is an autonomous agent rather than just a tool such as a handgun, there will probably be many nearby possible worlds where Stringer's action of revealing the truth to him would not result in Mouzone's death. Omar plausibly desires many things besides Mouzone's death, and the acquisition of some new information could easily change his behavior so that he would not kill Mouzone (say, if he spotted a police car outside Mouzone's house). Given that this sort of insensitive causal relation between an agent and an event would be required not only for the agency relation but also for the responsibility

75 See Usher, "Agency, Teleological Control and Robust Causation," 309–12.

76 Deery and Nahmias, "Defeating Manipulation Arguments."

77 See David Lewis, "Causation"; and Woodward, "Sensitive and Insensitive Causation."

78 Dretske, "The Metaphysics of Freedom," 11. Lewis himself discusses sensitivity of causation in relation to killing and causing death, but he is more cautious in his conclusions than Dretske.

79 Usher, "Agency, Teleological Control and Robust Causation," 308–9.

80 Cf. Usher, "Agency, Teleological Control and Robust Causation," 318.

relation, Dretske's argument could be interpreted as an argument against the idea that an agent can be responsible for the result of another agent's free and intentional action.

However, while intermediary autonomous agents often introduce this kind of sensitivity, they do not always do so. Omar's disposition to take revenge on anyone who hurts him and his loved ones may be so strong and stable that he will robustly cause the death of Mouzone. Agreements and hierarchical authority relations also normally make for robust causation (as well as foreseeability) through intermediary autonomous agents. Furthermore, note that the causal chain between Stringer's intention to have Mouzone killed and the death of Mouzone need not be sensitive even if the particular chain that runs through Omar's free intentional agency is sensitive. Suppose that Stringer is determined to get Mouzone killed come what may, so that if turning Omar's vengefulness against Mouzone were to fail, then Stringer would take his own gun and himself shoot Mouzone, effectively turning the case into *Lone Killer*. Admittedly, this might only make Stringer's intention a robust cause of Mouzone's death, without necessarily making it a robust cause of Omar's killing of Mouzone.<sup>81</sup>

More importantly, there can be sensitive causal relations, with or without intermediary agents, that do not preclude responsibility for killing. Consider the following writing prompt from the website Reddit: "You are a serial killer who uses Rube Goldberg Machines to kill his victims."<sup>82</sup> For an extreme example of responsibility for another agent's action through a sensitive causal chain involving an intermediary agent, consider also Mele's well-known zygote case, where the "supremely intelligent being"

Diana creates a zygote *Z* in Mary. She combines *Z*'s atoms as she does because she wants a certain event *E* to occur thirty years later. From her knowledge of the state of the universe just prior to her creating *Z* and the laws of nature of her deterministic universe, she deduces that a zygote with precisely *Z*'s constitution located in Mary will develop into an ideally self-controlled agent [called Ernie] who, in thirty years, will

81 Multiple potential intermediary agents may also provide a robust causal relation between the first agent and the victim's death. Cf. Tierney and Glick, "Desperately Seeking Sourcehood," 960.

82 Rube Goldberg was an American cartoonist who drew complex contraptions that were designed to perform a simple task in an indirect and complicated way, through a very sensitive causal chain.

judge, on the basis of rational deliberation, that it is best to *A* and will *A* on the basis of that judgment, thereby bringing about *E*.<sup>83</sup>

Mele is interested in what this case suggests about Ernie's responsibility, or lack thereof, for the *A*-ing. But my interest is rather in Diana's responsibility for the *A*-ing. Suppose that the *A*-ing here is "killing Mouzone." Given that Diana is sane and morally competent, Diana would arguably be responsible for Ernie's killing of Mouzone. Mele agrees.<sup>84</sup> She would be responsible for the killing despite the extremely sensitive causal chain that runs from her intention to Ernie's *A*-ing. (If the sort of "manipulation" involved in Mele's case undermines Ernie's freedom and responsibility for *A*-ing, then the case does not directly support my thesis, but my point here is just to show that responsibility for action is compatible with extreme sensitivity of causation.)

Plausibly, the background conditions had to be exactly right for Diana to successfully get Ernie to kill Mouzone. Being supremely intelligent, Diana has Laplace's demon-like knowledge and predictive powers that enable her to exploit this unique opportunity the universe provides her with. On this reading of the case, Diana would nevertheless be responsible and fully (but perhaps not solely) blameworthy for Mouzone's death. But on Deery and Nahmias's theory, she would only be responsible for bringing about Mouzone's death if her behavior was the event, among all events prior to his death, that most robustly caused it.<sup>85</sup> While Diana would be *a* cause of his death, only Ernie would be a causal source of it, and hence only Ernie would be responsible and fully blameworthy for killing Mouzone. According to Deery and Nahmias, Diana would be "merely getting lucky" in causing the wrongdoing in my reading of Mele's case.<sup>86</sup> But this is a mistake. While it is true that Diana would be circumstantially lucky to get the opportunity to modify a zygote to become an agent who performs her desired action thirty years later, she can nevertheless settle that this action is performed once she, thanks to her vast knowledge and awesome predictive powers, becomes aware of this fortunate opportunity. Since Diana knows which possible world is the actual world, she has no need for robust causation.

83 Mele, *Free Will and Luck*, 185, 188.

84 Mele, *Free Will and Luck*, 198n16. See also Sartorio, *Causation and Free Will*, 167–69.

85 Or, as Deery and Nahmias would put it, if Diana's behavior bore "the strongest causal invariance relation to [Mouzone's death] among all the prior causal variables" ("Defeating Manipulation Arguments," 1263).

86 Deery and Nahmias, "Defeating Manipulation Arguments," 1273.



In retelling Mele's zygote case, Deery and Nahmias subtly modify it in ways that suit their theory.<sup>87</sup> Diana is "a powerful Goddess," not merely a supremely intelligent being, who can manipulate many other background conditions in the universe besides the constitution of the zygote: "Diana is stipulated to be capable of controlling for a maximally wide range of possible changes to the background conditions."<sup>88</sup> Furthermore, she can design other agents besides Ernie to ensure that someone brings about the result she desires.<sup>89</sup> Unsurprisingly, Diana is then the most robust cause of the wrongdoing performed thirty years later. On their theory, this makes Diana, but not the agent grown from the zygote, responsible for the later wrongdoing. However, Diana is also responsible and fully blameworthy in Mele's original case, despite her lack of causal sourcehood with respect to the wrongdoing that occurs thirty years later.

Usher as well as Deery and Nahmias are right that there is a connection between robust causation and the control required for responsibility, but the connection is contingent and defeasible. As Lewis puts it: "*Ceteris paribus*, shortness and simplicity of the chain will make for insensitivity; insensitivity, in turn, will make for foreseeability."<sup>90</sup> Given that Stringer has the right kind of foresight, Stringer can be responsible and blameworthy for Omar's killing of Mouzone in *Testimony*, whether or not the causal dependence between his bodily movements and the death of Mouzone is more robust in *Testimony* than in *Lone Killer*. What is important for whether the agent is responsible and fully blameworthy for a killing is whether he can intend and foresee that a causal pathway from his own action will eventually result in the victim's death. This is in general what is essential for (nonbasic) responsibility for action, not insensitivity itself.<sup>91</sup>

87 Deery and Nahmias, "Defeating Manipulation Arguments," 1257. My interpretation of the zygote case agrees with Usher's ("Agency, Teleological Control and Robust Causation," 320). In contrast, Tierney and Glick's interpretation agrees with Deery and Nahmias's (Tierney and Glick, "Desperately Seeking Sourcehood," 958n6). Some of Mele's later retellings of the zygote case seem more in line with Deery and Nahmias's interpretation (e.g., *Free Will*, 15–16).

88 Deery and Nahmias, "Defeating Manipulation Arguments," 1272n15. Note that Mele does have another thought experiment involving a "libertarian goddess in an indeterministic universe" who is also called Diana (*Free Will and Luck*, 7).

89 Deery and Nahmias, "Defeating Manipulation Arguments," 1264.

90 David Lewis, "Causation," 187. Later in the same paragraph, Lewis writes: "If a chain is insensitive enough that you can predict it, then it is insensitive enough that you can kill by it... What if you are much better than I am at predicting chains that are somewhat sensitive? I am inclined to say that if so, then indeed you can kill in ways that I cannot."

91 See Zimmerman, "Intervening Agents and Moral Responsibility," 356. Grinfeld et al. argue that people judge an agent to be more causally responsible for an event in cases where

## 6. FOURTH OBJECTION: THE AUTONOMY DOCTRINE

The last objection I will consider is based on a *normative policy* rather than some feature of agency or responsibility as such. When it comes to criminal responsibility for criminalized acts, a normative policy that sharply distinguishes between cases such as *Testimony* and *Lone Killer* is indeed widely accepted. But if my thesis is true and criminal responsibility ought to track moral responsibility, then the normative policy often referred to as the “autonomy doctrine” would be in jeopardy.<sup>92</sup>

Here is Glanville Williams’s characterization of this policy:

The first actor who starts on a dangerous or criminal plan will often be responsible for what happens if no one else intervenes; but a subsequent actor who has reached responsible years, is of sound mind, has full knowledge of what he is doing, and is not acting under intimidation or other pressure or stress resulting from the defendant’s conduct, replaces him as the responsible actor. Such an intervening act is thought to break the moral connection that would otherwise have been perceived between the defendant’s acts and the forbidden consequence.<sup>93</sup>

But *why* would it break “the moral connection”? Why would the second agent’s intervening action make the first agent’s action morally permissible, or make it morally wrong in a different and lesser way? Note that the moral connection need not be broken if the first agent uses threats, lies, or authority to induce the second agent to commit a crime. Consider first the following case:

*Authority:* Stringer is a powerful and ruthless acting leader of a criminal organization. He desires and intends Mouzone to be killed. To that end, he commands Roland, a lower-ranking drug enforcer, to kill Mouzone. Roland does as he was ordered. He tracks down Mouzone, aims a handgun at him, and pulls the trigger. The bullet hits Mouzone, who dies immediately.

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the agent’s action more robustly causes the event (“Causal Responsibility and Robust Causation”); but their experiments do not disentangle the robustness of the causation and the agent’s ability to foresee what will result from her action. People’s judgments may therefore be sensitive to the latter rather than to the former.

92 For critical discussion of the autonomy doctrine, see Moore, “Causing, Aiding, and the Superfluity of Accomplice Liability”; Bazargan-Forward, “Complicity”; and du Bois-Pedain, “*Novus Actus* and Beyond.”

93 Williams, “*Finis* for *Novus Actus*?” 392. See also Kadish, “Complicity, Cause and Blame,” 327; and Hart and Honoré, *Causation in the Law*.

In *Authority*, I take it to be relatively unproblematic that Stringer would be morally responsible for the killing of Mouzone. Saba Bazargan-Forward and David Atenasio would each argue that what makes Stringer responsible and blameworthy for Roland's action in *Authority* is an agreement that authorizes Roland to act on Stringer's behalf.<sup>94</sup> Such an agreement would be implicit in the issuing and uptake of Stringer's command to Roland. On their views, it is this authorization agreement itself, rather than the foresight and indirect control that it engenders, that is normatively significant. On my view, on the other hand, Stringer's authority over Roland is relevant for what he is responsible for precisely because it enables him to foresee that his order will cause Mouzone's death. In *Testimony*, Stringer's knowledge of what sort of person Omar is likewise enables him to foresee that telling Omar the truth will result in Mouzone's death. Stringer is therefore morally responsible and fully blameworthy for the killing in *Testimony*, just as in *Authority*.

Turn now to the following case, where Stringer lies to Omar in order to make him kill Mouzone:

*Deception*: Stringer desires and intends Mouzone to be killed. He knows that the beloved of the notorious stickup man Omar has died as a result of accidentally falling from a high balcony. But knowing what sort of person Omar is, Stringer knows that if he deceives Omar into thinking that his beloved was actually murdered by Mouzone, then it is very probable (with probability 0.8) that Mouzone will die as a result of Omar deciding to kill him and then carrying out this decision. With intent to bring about Mouzone's death, Stringer provides fabricated evidence to Omar that convincingly frames Mouzone as the murderer of Omar's beloved. Upon receiving the fabricated evidence, Omar acquires a desire to avenge his beloved's death, but this desire is not irresistible. He decides to kill Mouzone just as Stringer predicted. Omar then tracks down Mouzone, aims a handgun at him, and pulls the trigger. The bullet hits Mouzone, who dies immediately.

In the United States, Stringer could be convicted for instigating murder in *Deception*. If *Deception* (as well as *Authority*) was set in Berlin rather than Baltimore, then Stringer could also be convicted as a perpetrator of the murder in accordance with the doctrine of "the perpetrator behind the perpetrator" (*Der Täter hinter dem Täter*), in such a way that Stringer and Omar (or Roland)

94 Bazargan-Forward, "Complicity"; Atenasio, "Co-responsibility for Individualists."

could each be convicted as a perpetrator of one and the same murder.<sup>95</sup> Somewhat similarly, Swedish criminal law allows for the relabeling of the roles of those involved in a crime, such that an agent who “merely” instigates rather than performs the criminal act can nevertheless end up being convicted as a perpetrator.<sup>96</sup> In contrast, Stringer would be completely off the legal hook in *Testimony*, irrespective of whether the case was set in Baltimore, Berlin, or Borås.

Whatever the local legal doctrine is, I take it that many will judge Stringer to be *morally* responsible and blameworthy for Omar’s killing of Mouzone in *Deception*—or at least, for the outcome that Omar killed Mouzone. Now, there is arguably no difference between *Deception* and *Testimony* such that Stringer could be morally responsible and blameworthy for the killing in the former case but not in the latter. To make the cases as nearly parallel as possible, suppose that Stringer in *Testimony* is the only person besides Mouzone himself who is privy to the information that Mouzone murdered Omar’s beloved. Stringer’s ability to foresee the result of the lie he tells Omar in *Deception* might for all practical purposes be identical to his ability to foresee the result of his truthful and sincere testimony to Omar in *Testimony*.

In some sense, Stringer constrains Omar’s autonomy when he lies to Omar, but not when he tells Omar the truth. Perhaps this diminishes Omar’s blameworthiness for killing Mouzone in *Deception*. It is tempting to think that this diminishment “makes room” for Stringer to be fully blameworthy for the killing in a way that is ruled out in *Testimony* by Omar’s full blameworthiness for the killing. However, this thought requires a mistaken “pie model” of blameworthiness, where blameworthiness for a wrongdoing comes in a fixed amount that has to be distributed among those responsible for the wrongdoing. This pie model has been frequently and convincingly criticized.<sup>97</sup> The degree to which

95 See Ambos and Bock, “Germany,” 327–30. Regarding this doctrine, Ambos and Bock write:

Imagine, for example, that D knows that A wants to kill  $V_1$  and falsely points out  $V_2$  who is at the moment passing by, and tells A that this is  $V_1$ , although D is fully aware that this is not the case. As expected, A shoots and kills  $V_2$  assuming that he is  $V_1$ . A has committed the crime of murder as a principal. His mistake concerning the identity of his victim (*error in persona*) does not affect his intent to kill the person in front of him and is thus irrelevant. Despite the fact that A is fully criminally liable, it is D who has “transferred” A’s intent from  $V_1$  to  $V_2$ . Thus, D has killed  $V_2$  through the “blind” A. (328)

If D can perpetrate the murder of  $V_2$  by *transferring* A’s murderous intent in this way, then in *Deception* Stringer could perpetrate the murder of Mouzone by *creating* Omar’s murderous intent.

96 See Asp and Ulväng, “Sweden,” 442–45.

97 See Mellema, “Shared Responsibility and Ethical Dilutionism”; Zimmerman, “Intervening Agents and Moral Responsibility,” 355; Sverdlik, “Collective Responsibility,” 71–72;

Omar is blameworthy for killing Mouzone does not itself make any difference to Stringer's blameworthiness for the killing.

Perhaps something like the autonomy doctrine is, generally speaking, a good legal policy. When the law gives its verdict on a case such as *Testimony*, it does so from a third-person point of view and after the fact. Given limitations in epistemic access to what was actually going on, and to what kind of foresight Stringer was capable of, the law will typically be justified in assuming that there is a significant difference between Stringer's criminal responsibility for the murder of Mouzone in *Testimony* and in *Lone Killer*. Since the use of authority, deception, and coercion is typically evidence of ill will, foreseeability, and control, *Authority* and *Deception* may be more similar to *Lone Killer* than to *Testimony* with respect to Stringer's legal responsibility. However, my concern here is with moral responsibility and blameworthiness, which do not depend on the evidence available to third parties about the agent's quality of will, knowledge, and foresight.

## 7. CONCLUSION

Philosophers working on agency and responsibility sometimes take it for granted that one cannot be responsible for another agent's intentional action, at least when the other performs that action freely—without being coerced or otherwise manipulated, and without acting on behalf of the first agent (in the sense of acting under the first agent's authority). In this paper, I have argued that an agent can be responsible and fully blameworthy for another agent's intentional action when the second agent acts freely and in the absence of any authorization agreement or special kind of joint agency. Stringer can be responsible and fully blameworthy for Omar's killing of Mouzone, just by intentionally creating the conditions that causes Omar to freely and intentionally kill Mouzone. I have also argued that when we hold each other responsible for what we do in a colloquial sense, we typically hold each other responsible for events that we created the conditions for, rather than for our basic actions—that is, the actions by which we create those conditions. An agent can thus be responsible and blameworthy for another agent's intentional action in the relevantly same way that he is responsible and blameworthy for his own intentional action. If we hold Stringer responsible for killing Mouzone in *Lone Killer*, then we are holding him responsible and fully blameworthy for something that he “merely” created the conditions for, by flexing his index finger in a certain

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Ludwig, “From Individual Responsibility to Collective Responsibility”; and Kaiserman, “Responsibility and the ‘Pie Fallacy.’”

context. Similarly, we can hold Stringer responsible and fully blame him for Omar's killing of Mouzone in *Testimony*, where he created the conditions for this killing by revealing the truth to Omar.<sup>98</sup>

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