

## THE DEFENCE-FIRST APPROACH TO RESPONSIBILITY

### 1. SUMMARY OF THE RESEARCH PLAN

*Defences* are explanations of why a subject is innocent, or less culpable. They range from fatigue to coercion, from ignorance to self-defence, from necessity to dementia. But they can be categorised in just three groups: justifications, excuses, and exemptions. Roughly, a person is justified when she did no wrong; excused when, although she did wrong, she had no ill intent; and exempted when her handicap makes her act less significant. Defences are a common currency in our day-to-day interactions and in the law. And yet moral philosophers—with the notable exception of Austin (1956), Strawson (1962), and more recently Watson (1996), Baron (2005; 2007), McKenna (2005), and Hyman (2013; 2016)—have underused them in the study of moral responsibility. While they frequently use terms like ‘to excuse’ and ‘to justify’, philosophers are yet to unleash the power of an analysis of defences.

This project *aims* to use defences to tackle questions of responsibility afresh. The standard approach (see e.g. Fischer 2006; Nelkin 2011) first identifies conditions for responsibility (or culpability), such as choice and knowledge, and then applies these conditions to specific questions such as whether one is responsible for *forgettings*. Our *defence-first approach* flips the script. Instead of asking whether a condition X is required for responsibility, we ask whether its absence *exculpates*—that is, whether it provides a defence such as a justification, an excuse, or an exemption. For instance, instead of asking whether *explicit choice* is necessary for responsibility, we ask whether *the absence of choice* justifies, whether it excuses, and whether it exempts. If the answer is “no” for each question, explicit choice is deemed unnecessary for responsibility (or culpability). *The main contribution of our approach* is thus to make thorny questions about responsibility more tractable, by decomposing each such question into three.

The project first investigates the nature of defences. It *aims* at building an elegant theory of justifications, excuses, and exemptions in order to tackle some of the prime questions about responsibility in the recent literature:

**HISTORY:** Can someone be responsible for her acts if she is not responsible for the acquisition of her character?

**CHOICE:** Can someone be responsible for something that they have not chosen?

**ALTERNATIVES:** Can someone be responsible for unavoidable actions?

The defence-first approach can provide refined answers by assessing whether difficult history, absence of choice, or lack of alternatives gives a defence. The *expected result* is a positive answer to each question, the first (history) because of exemptions, the second (alternatives) because of justifications, and the third (choice) because of justifications.

## 2. RESEARCH PLAN

### 2.1 Current State of Research in the Field

#### *The Standard Approach on Three Questions*

Philosophers who work on questions of responsibility, and more specifically of culpability for wrongdoing, typically adopt the following method. They identify conditions for responsibility: metaphysical conditions, such as choice and control; and epistemic conditions, such as knowledge and belief (see e.g. Fischer and Ravizza 1998, 12–13; Fischer and Tognazzini 2009, 531–32; Rudy-Hiller 2018).<sup>1</sup> Then, they use these conditions in answering questions such as:

**HISTORY:** Can someone be responsible for her acts if she is not responsible for the acquisition of her character, such as when someone has been brain-washed or deprived of a normal childhood?

**CHOICE:** Can someone be responsible for something that she has not chosen, such as forgetting to feed one's dog?

**ALTERNATIVES:** Can someone be responsible for unavoidable actions, perhaps because determinism is true?

These questions are all very controversial, partly because there is no consensus on what the conditions of responsibility amount to. An intricate dialectic emerges for each question. Let us examine them in turn.

**HISTORY.** Does one need to be responsible for one's character to be responsible for one's conduct? *Historicists* (Mele 2006; McKenna 2016) would not hold someone responsible unless they were responsible for their character or its acquisition, whereas *structuralists* (Frankfurt 2002; Cyr 2016) would. Historicists, unlike structuralists, believe that a normal personal history (devoid of severe childhood trauma or brain wash) is necessary for responsibility.

The main contentious cases involve *character manipulation*, where an evil scientist tweaks the brain of the agent who then performs some nasty act. They abound in the recent responsibility literature (Pereboom 1995; Fischer 2004; Haji and Cuypers 2006; Mele 2006; King 2013; Cohen 2015; Cyr 2016; De Marco 2021 to name a few). Their treatment is the main battlefield of historicists and structuralists: whereas the historicist maintains that manipulation of character can undermine responsibility, the structuralist tries to show that a manipulated subject is not so different from an individual who acts responsibly for the first time (see Frankfurt 2002; Cyr 2019): if that's right, historicism leads to scepticism about responsibility.

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<sup>1</sup> Some defend that epistemic conditions are embedded in the control conditions (see e.g. Mele 2010).

**CHOICE.** Can we be responsible for what we have not chosen? *Attributionists* (see e.g. Scanlon 1998; 2008; Hieronymi 2004; A. M. Smith 2005; 2008; H. M. Smith 2011; Talbert 2012; Sher 2005; 2006) can hold someone responsible for a memory lapse if it's telling about the agent's values; whereas *volitionists* (Fischer and Ravizza 1998; Levy 2005; Fischer 2006; Levy 2011) will refrain from doing so, unless the memory lapse can be traced back to a previous decision. Volitionists, unlike attributionists, believe that choice is necessary for responsibility.

The most contentious cases involve *difficult tracing*, in particular forgettings, where a seemingly blameworthy behaviour—for instance, forgetting the dog in the car during a warm summer day—can hardly be traced back to a choice (see Vargas 2005 for more difficult tracing cases). Attributionists maintain that tracing back responsibility is a fool's errand; that we should simply accept that what makes someone responsible is the fact that their conduct can be attributed to them somehow. Volitionists either find fault with a previous choice which caused the forgetting (Fischer and Tognazzini 2009; Nelkin and Rickless 2017) or they accept the sceptical consequences, namely that we are responsible for much less than what we think (see e.g. Rosen 2004; Zimmerman 1997; 2008; Levy 2011, chap. 5; Zimmerman 2016).

**ALTERNATIVES.** Can we be responsible for the unavoidable, for what we lacked alternatives to? *Leeway theorists* (Kenny 1978; van Inwagen 1983; Ginet 1996; Widerker 2000; Vihvelin 2004; Fara 2008; Steward 2009; 2012; Alvarez 2009; 2013) think that we can't be responsible, or perhaps that we cannot even *act* without alternatives; whereas *sourcehood theorists* (Frankfurt 1969; 1971; Watson 1996; Fischer and Ravizza 1998; Hurley 2003; Pereboom 2014; Sartorio 2016; Cyr 2017) believe that alternatives are not necessary for responsibility.

The most contentious cases are *cases of unknown necessity* (Frankfurt 1969). They involve an agent who, unbeknownst to him, has no alternatives but to kill someone else. Some mad scientist has put a chip in the agent's brain which will make him perform the killing if he tries to refrain from doing it. And yet our agent performs the killing by himself, without the chip ever activating. Whereas sourcehood theorists claim that the subject is responsible in spite of lacking alternatives, leeway theorists typically respond that the subject in fact *has* alternatives. Some leeway theorists (Ginet 1996; van Inwagen 1997; Capes and Swenson 2017) concede that the agent is not responsible for killing *simpliciter*. Rather, he is responsible for killing in a certain way: for instance, for killing at this precise instant or for killing on his own. Other leeway theorists (Steward 2009; Alvarez 2009) argue that the subject could have simply refrained from killing. He could have refrained from killing because if the chip had activated, the subject would not have *acted* but simply *moved*. So there was an alternative to killing, namely *being moved into causing a death*.

These divisions are unlikely to be bridged for at least two reasons. First, each of these pairs of views (<historicism, structuralism>, <volitionism, attributionism>, <leeway theory, sourcehood theory>) is coherent, refined, and appealing. Second, decisive counterexamples to one of these views cannot be found. The truly appealing examples—they must be simple enough for that—are only problems for the unrefined versions of the views that they target. This is true of *manipulation cases*, or *tracing cases*, and of *unknown necessity cases*.

### *The Defence-First Approach and its Roots*

The defence-first approach allows us to ask afresh the three previous questions. It does not require immediate verdicts about the moral responsibility of agents in complex manipulation cases, tracing cases, and unknown necessity cases. For it does not directly ask about the responsibility of agents; it rather examines whether they have a defence—whether they have a justification (e.g. necessity or self-defence), an excuse (e.g. fatigue or ignorance), or an exemption (e.g. handicap or childhood). The approach does not require either an immediate answer as to what is required for culpability, in terms of control or knowledge. It does not even presuppose that such a general condition, one which covers all the cases, may be specified.

The defence-first approach takes root in two very close traditions, both set in the post-war Oxford: *ordinary language philosophy*, led by J.L. Austin, and *descriptive metaphysics*, led by Peter Strawson. Each gave us a better understanding of defences. Each also had important *methodological insights*, upon which the defence-first approach to responsibility builds.

I. The first source of inspiration for the project is J.L. Austin's ordinary language philosophy. Austin is well-known for his **work on defences**, especially excuses. He first gives us one of the most canonical formulations of excuses by drawing a contrast between excuses and justifications:

In the one defence [justifications], briefly, we accept responsibility but deny that it was bad: in the other [excuses], we admit that it was bad but don't accept full, or even any, responsibility. (Austin 1956, 2)

This early definition has the clear disadvantage of telling us what we do when we present an excuse or a justification rather than what they *are*. But this can be easily fixed. Marcia Baron and others (see e.g. Littlejohn forthcoming), who drew explicitly from Austin, draw the distinction as follows: a justification shows that though the action is of a type that is usually wrong, in these circumstances it was not wrong, whereas an excuse shows that although the action was indeed wrong, the agent is not blameworthy (2005, 389–90). Yet, Baron, like Austin, does not tell us just *why an*

*excuse might exculpate*. This is a question that must be tackled for justifications and excuses to be defined properly.

Austin is most famous for having shown how variegated excuses can be: how, for instance, *accidents* differ from *mistakes*. But he also made important remarks about excuses in general, for instance that “few excuses get us out of it completely: the average excuse, in a poor situation, gets us only out of the fire into the frying pan—but still, of course, any frying pan in a fire” (Austin 1956, 3). This is to say that excuses can be *partial* (incomplete). The question is whether the other defences (justifications and exemptions) might *also* be partial, a question that must be further inquired.

Austin’s contribution to the defence-first approach is not limited to his conceptualisation of excuses in *A Plea for Excuses*. It concerns his **method**. In his *Plea*, Austin makes it clear that he wants to approach questions of freedom, voluntariness, and responsibility by focussing on defences. But it is in *Sense and Sensibilia* that Austin’s methodological lessons become clearest. Austin paints a memorable cautionary tale about metaphysical hopeless inquiries:

It is usually thought, and I dare say usually rightly thought, that what one might call the affirmative use of a term is basic—that, to understand ‘x’ we need to know what it is to be x or to be an x, and that knowing this apprises us of what it is not to be x or not to be an x. But with ‘real’ it is the negative use which wears the trousers. ‘A real duck’ differs from the simple ‘a duck’ only in that it is used to exclude various ways of being not a real duck—but a dummy, a toy, a picture, a decoy, &c. [...] [T]he function of ‘real’ is not to contribute positively to the characterization of anything, but to exclude possible ways of being *not* real—and these ways are both numerous for particular kinds of things, and liable to be quite different for things of different kinds. (Austin 1962, 70)

Here is the idea. Sometimes we falsely assume that (cases of ambiguity aside) a common word means a common shared positive property. For instance, two houses share the property of having walls. But that is a mistake when the word in question should be understood as the *absence of its opposite* (e.g. to be real is to *not be unreal*). In such a case, no positive property might be shared by all the instances of, e.g., real things. Or rather, the property that they share is the absence of a variety of ways of being *unreal*, which shift from case to case. For being an unreal duck has nothing to do with being an unreal experience.

Some might have doubts that the case of culpability or responsibility is similar to that of “real”. It is not so much that there is a common positive property to all cases of culpability—like choice or exercise of a will—but rather than in all cases of culpability there is an *absence of defence*, which shifts from cases to case. Perhaps not being culpable because one was coerced has nothing to do with not being responsible because one was tired.

II. The second source of inspiration for the project is the descriptive metaphysics of Peter Strawson (1959; 1962; 1985). Just like Austin, Strawson is an inspiration for the defence-first approach both because of his work on the nature of different defences and because of his negative method.

Let us start with Strawson's **work on defences**, especially in *Freedom and Resentment*. Although Austin focussed on excuses and contrasted them with justifications, Strawson paid little attention to justifications and rather contrasted excuses with *exemptions* (although he did not use the terms):

To the first group belong all those which might give occasion for the employment of such expressions as 'He didn't mean to', 'He hadn't realize' [...] 'He was pushed', 'He had to do it' [...] [These pleas] have something [...] important in common. None of them invites us to suspend towards the agent, either at the time of his action or in general, our ordinary reactive attitudes. They do not invite us to view the agent as one in respect of whom these attitudes are in any way inappropriate. They invite us to view the injury as one in respect of which a particular one of these attitudes is inappropriate. They do not suggest that the agent is in any way an inappropriate object of that kind of demand for goodwill or regard which is reflected in our ordinary reactive attitudes. They suggest instead that the fact of injury was not in this case incompatible with that demand's being fulfilled, that the fact of injury was quite consistent with the agent's attitude and intentions being just what we demand they should be. [...] The second group of considerations is very different. [...] [W]e may think of 'He's only a child', 'He's a hopeless schizophrenic', 'His mind has been systematically perverted', [...] Such pleas as these do, as pleas of my first general group do not, invite us to suspend our ordinary reactive attitudes towards the agent, either at the time of his action or all the time. They do not invite us to see the agent's action in a way consistent with the full retention of ordinary interpersonal attitudes and merely inconsistent with one particular attitude. They invite us to view the agent himself in a different light from the light in which we should normally view one who has acted as he has acted. (P.F. Strawson 2008, 7–9)

In this crucial passage of *Freedom and Resentment*, Strawson delivers two key lessons for the study of defences. First, he convincingly shows that there is a stark contrast between *exemptions* on the one hand and *excuses* on the other. Second, he shows why someone might be excused in spite of having done something wrong: the wrongness of the act was not accompanied by a *lack of good will* on the part of the agent. In a word, when we are fully excused, we have done wrong, but it does not speak against us. No such thing is true of exemptions: it is frequent to see a child or a demented individual display ill will. But this ill will is made less significant by their incapacity to participate in normal human interactions.

Turning to Strawson's **methodology**. Strawson's work in *Freedom and Resentment* has been subject to a variety of interpretations. Uncontroversially, Strawson criticised the so-called pessimists. The pessimists maintain that responsibility

requires some “panicky” metaphysical condition, whose existence we have not established (the pessimists include both some libertarians and the moral responsibility sceptics). The more precise metaphysical condition in question is *physical indeterminacy*, the property of an action not to be determined by the conjunction of laws of nature and a full description of the past. In the word of our project, Strawson tried to give an answer to the question of ALTERNATIVES: must we have alternatives to be responsible for our conduct? No, says Strawson, at least if we understand alternatives as requiring that determinism be false.

What is far less clear is how Strawson attacked the pessimists, for he deployed a battery of arguments. Much of the literature has focussed on his alleged constructivism or conventionalism about moral responsibility: roughly, responsibility could be invented if we did not have it. Relatedly, Strawson is seen as claiming that *to be responsible* is roughly to be liable to be held responsible, that is to be the fitting target of reactive attitudes (see Watson 2004; Shoemaker 2017; Hieronymi 2020). This sort of claim has been rightly criticised on philosophical grounds (Todd 2016), and on interpretative grounds (Alvarez 2021).

As Michael McKenna pointed out some time ago in different terms (McKenna 2005), what seems more fruitful is Strawson’s use of the defence-first approach (although it was not fully explicit and it did not speak of justifications). Strawson shows that *if* metaphysical requirements like alternatives (at least alternatives which imply indeterminism) were required for responsibility, their absence would give us a defence. Or rather, Strawson maintained that determinism gives neither an exemption nor an excuse. It gives no exemption because if it were true, it would not turn us all into individuals who, like children or demented individuals, cannot fully interact interpersonally. Determinism gives no excuse either because even if determinism were true, there would be a distinction between those who display ill will and those who display good will.

So Strawson not only gave us crucial information about how to understand excuses and exemptions, but he possibly gave us the first example in philosophy of the defence-first approach seriously put to work.

Austin and Strawson are therefore brilliant inspirations for the defence-first approach. But further work needs to be done:

1. Austin’s and Strawson’s different insights about defences need to be reconciled, in particular their insights about excuses. (Are excuses fundamentally about good will, as Strawson seems to have thought? Or should it be functionally defined as what is offered when wrongness is conceded by responsibility is rejected, as Austin seems to have thought?)

2. Austin's key idea that excuses can be partial must also be extended to justifications and exemptions. One key question is whether statuses like *adolescence* provide partial exemptions or whether it is specific situations often encountered by adolescents which provide *excuses*.
3. The defence-first approach has only been applied to the question of determinism (ALTERNATIVES) and, even there, it has been applied partially. It has been applied partially because Strawson has not considered whether lacking alternatives might give a *justification*, a view that has been in effect defended recently (see Haji 2012). So the approach must be not only be revisited for ALTERNATIVES but applied to HISTORY and CHOICE.

### Other Funded Projects on Moral Responsibility

Four projects on moral responsibility are currently funded in Europe. *Roots of responsibility* (2020–2025), funded by the European Research Council and led by Prof. John Hyman of UCL, is the closest to the current project. One of its five strands of research concerns the study of justifications and excuse, in both the legal and moral context. Members of the project are likely to be partners in the organisation of conferences and talks on the defence-first approach.

The second project, *Transforming Responsibility Theory Through Strawsonian Genealogy* (2022–2026), internally funded by KU-Leuven is led by Prof. Benjamin De Mesel and Prof. Stefaan Cuypers is also close to the current project in that it approaches questions of responsibility via Peter Strawson's seminal paper *Freedom and Resentment* (which was, as noted in the previous section, the first real use of the defence-first approach).

The third project is the *Lund Gothenburg Responsibility Project* (2014–2024), co-funded and hosted by the Philosophy Department at Lund University and the Department of Philosophy, Linguistics and Theory of Science at the University of Gothenburg, and led by Prof. Paul Russell. The project is more generalist in nature, but members of the project are included in the prominent figures of some of the three debates that this project tackles (in particular Matthew Talbert and the question of CHOICE).

The fourth project is *Blame and Responsibility*, supported by the Royal Society of Edinburgh, and led by Prof. Jessica Brown of St-Andrews. The project connects the study of moral responsibility with that of epistemology. This is an approach that we think is important for the study of defences—since defences can be just as moral as they can be epistemic.



## 2.2 The State of the Applicant's Research

Simon-Pierre Chevarie-Cossette became a professor assistant at *Université de Neuchâtel* in January 2021. Although a young researcher (he defended in thesis in Oxford in the Summer of 2019), he already has published relevant pieces on moral responsibility, and even pieces directly relevant to the *Defence-First Approach*.

Here is first a list of relevant publications to questions of responsibility:

- Chevarie-Cossette, Simon-Pierre. 'Knowing about Responsibility: A Trilemma'. *American Philosophical Quarterly* 58, no. 3 (2021a): 201–15.
- . 'Excuses and Alternatives'. *Canadian Journal of Philosophy* 51, no. 1 (2021b): 1–16. <https://doi.org/10.1017/can.2020.51>.
- . 'Is Free Will Scepticism Self-Defeating?' *European Journal of Analytic Philosophy* 15, no. 2 (2019): 55–78. <https://doi.org/10.31820/ejap.15.2.3>.
- . 'Responsabilité morale (A)'. In *L'Encyclopédie Philosophique*, 2017. <https://encyclo-philosophie.fr/responsabilite-morale-a/>.
- . 'Sceptical Deliberations'. *Pacific Philosophical Quarterly* 101, no. 3 (2020): 383–408. <https://doi.org/10.1111/papq.12321>.
- . 'Self-Defeating Beliefs and Misleading Reasons'. *International Journal of Philosophical Studies* 27, no. 1 (2019): 57–72. <https://doi.org/10.1080/09672559.2018.1548636>.

The most relevant paper is (Chevarie-Cossette 2021b), which uses the defence-first approach (see below). Some of these papers (Chevarie-Cossette 2019a; 2020) concern questions about the viability of scepticism about responsibility; some others concern questions at the junction of epistemology and responsibility (Chevarie-Cossette 2019b; 2021a); the remaining paper is an encyclopaedia entry on moral responsibility (Chevarie-Cossette 2017).

Here is the relevant work achieved for each sub-project presented in section 1.

### *First Subproject: The Defence-First Approach*

The applicant has conceptualised the defence-first approach, mainly on the basis of work from Austin and Strawson. His conception of defences draws on the work of contemporary philosophers such as Baron (2005; 2007), Littlejohn and Alvarez (Littlejohn forthcoming; Alvarez and Littlejohn 2017), and Hyman (2015). At the moment of application, the following framework has been developed:

“Moral responsibility” is ambiguous (see Chevarie-Cossette 2017; Hart 1968 for an inspiration). It has the following four senses:

- OBLIGATION: an obligation received in virtue of a role.  
*The captain was responsible for the security of his passengers.*
- VIRTUE: the virtue of generally fulfilling one's responsibilities.  
*The captain was a responsible pilot.*
- CAPACITY: the capacity of receiving responsibilities and being held responsible in case of failure.

*The woman was 18 and therefore was a responsible adult.*

- LIABILITY: the liability to be held accountable (or credited) for an act.

*The captain was responsible for the death of the passengers.*

Contemporary philosophers working on moral responsibility typically focus on moral responsibility as liability. It may be the original sense of the word, since it seemingly stems from the Latin *respondere*, to *respond*. (In French “répondre de ses actes” means to be accountable for one’s actions.) But it is rarely noted that this liability is ambiguous, since there are two senses of ‘being held accountable’. It can mean:

- EXPLANATION: someone is forced to explain her acts.
- CONSEQUENCES: someone is forced to pay for her acts (be punished, be forced to compensate, be criticised, etc.)

Partly because of this, and partly because it is useful to exclude cases of responsible for good acts, the concept of *culpability* is useful:

- CULPABILITY: The relation that one has with a wrong act that makes one deserving of blame, censure, criticism, punishment, etc.

Clearly, someone can be responsible in the sense that can be called upon to explain their act without being culpable. But someone cannot be culpable for something for which they are not responsible (see Duff 2007, chap. 1). Culpability is what defences block.

Defences are composed of either justifications, excuses, or exemptions.

- JUSTIFICATION: a justification shows that the conduct was not wrong (and so the subject is not culpable).  
*Ex.: Necessity, self-defence, some ignorance.*
- EXCUSE: an excuse shows that although the conduct was indeed wrong, no ill will was manifested (and so the subject is not culpable).  
*Ex.: Coercion, tiredness, provocation, some ignorance.*
- EXEMPTION: an exemption shows that although the subject might have manifested an ill will or bad intent, this manifestation was made less significant by the agent’s incapacity (and so the subject is not culpable).  
*Ex.: Handicap, dementia, adolescence.*

Defences (at least some of them) can be full (as in the case of necessity or coercion) or partial (as in the case of fatigue or adolescence).

This framework can be found in the applicant’s book project on responsibility (*Qu’est-ce que la Responsabilité?, Vrin*) and in his manuscripts (“History exempts, structure excuses”; “Does Blameworthiness Imply Obligation?”; “Justification and Alternatives”).

More work needs to be done, partly to link the literature on excuses in epistemology to excuses in moral philosophy. There are also some crucial points to be fixed about how to relate the preceding framework to the work of philosophers who described so-called faces of responsibility such as attributability, accountability, and answerability (Watson 1996; Shoemaker 2015). More work also needs to be done

on specific defences, especially partial ones, such as provocation, culpable ignorance, and tiredness.

More work also needs to be done to determine whether other defences than justifications, excuses, and exemptions should be included in the defence-first approach to responsibility. In particular, we must work on *denials*, which explain that one has not even putatively done something that could have been wrong. Should denials be added, considered a subset of justifications, or simply ignored?

### Second Subproject: Defences and History

The second subproject concerns the following question:

**HISTORY:** Can someone be responsible for her acts if she is not responsible for the acquisition of her character, such as when someone has been brain-washed or deprived of a normal childhood?

In his draft paper “History exempts, structure excuses” (given in a number of talks), the applicant applies the defence-first approach to the question of history. The paper asks:

- Does a difficult history (such as having been manipulated) give a justification?
- *Does it give an excuse?*
- *Does it give an exemption?*

Here are the answers so far provided:

**Having a difficult history does not provide a justification:** having acted because of a character given by manipulation does not undermine the wrongness of the act. For, the act may still have bad consequences, stem from bad intentions, and be performed where a better alternative is present.

**Having a difficult history does not provide an excuse either:** having been manipulated or deprived of a normal childhood is compatible with having an ill will or bad intent. It is also compatible with manifesting this ill will.

**But it might be an exemption:** having acted because of a character given by manipulation seems to undermine the significance of the manifestation of ill will. The difficulty here is that the manipulated individual might not have lost any of her abilities.

The paper then presents the following argument, based on considerations about the defence of adolescence:

1. Adolescence gives a (partial) defence.
2. Defences are either justifications, excuses, or exemptions.
3. Justifications show that one has not done wrong.
4. Excuses show that one has not manifested ill will.
5. Adolescence does not show that one has not done wrong or that one has not manifested ill will.
6. So, adolescence gives a (partial) exemption.

So far, the argument does not determine whether the structuralist or the historicist has the upper hand. For two stories are possible.

- **THE STRUCTURALIST STORY:** what explains why we partially exempt adolescents is that they have diminished capacities (intemperance).

- THE HISTORICIST STORY: what explains why we partially exempt adolescents might be in part their diminished capacities, but it is also their history. In particular, adolescents have lacked the opportunity to reform, to acquire self-control.

What shows the superiority of the historicist story is that we would *not* exempt an adult who, because of his lack of training, had remained as intemperate as an adolescent. This means that the fact that the intemperate adult had a different history to the adolescent must matter for responsibility. Here is the rest of the argument:

7. If adolescence gives a (partial) exemption, it is partly historical [comparison with the intemperate adult].
8. But if there is an exemption which is partly historical, historicism is true.
9. So historicism is true.

So the defence-first approach delivers a new argument in favour of historicism. But it concedes to the structuralist that excuses and justifications are not historical. The manipulated has no excuse or justification, although she may have an exemption (full or partial).

### *Third Subproject: Defences and Alternatives*

The third subproject concerns the following question:

**ALTERNATIVES:** Can someone be responsible for unavoidable actions?

This topic touches on the most recent paper published by the applicant (Chevarie-Cossette 2021b). In this paper, it is argued that we can bypass the intricate debate about Frankfurt-cases (cases described in 2.1 as “cases of unknown necessity”) by asking whether lacking alternatives is an excuse. PAP, the principle according to which we *do* need alternatives to be responsible, is attacked in the following way:

- (1) Our (good) reason for believing PAP is, if anything, that lacking eligible alternatives is a good excuse.
- (2) Yet, on close examination, lacking eligible alternatives is not a good excuse, unless the eligibility of an alternative is relativised to the agent’s epistemic situation.
- (3) And, in this latter case, the principle that lacking eligible alternatives is a good excuse provides no support for PAP and thus is not a good reason for believing it.

Therefore, we have no good reason for believing PAP.

The paper thus applies the defence-approach, but partially. It assumes that the best defence *that lacking a good alternative* could provide is an excuse. It then shows that it is a bad excuse: uncontroversially, some people lack good alternatives and yet are not excused. For a full use of the defence-approach, we need to ask whether lacking an alternative (or a good one) might be a justification or an exemption. The applicant

has written a draft (“Justification and Alternatives”) arguing that there is in fact a strong arguing for thinking that lacking alternatives is a justification.

The applicant’s inaugural lecture at the University of Neuchâtel (“*Relever le défi déterministe, une défense à la fois*”) sketches the full second subproject without giving a definitive answer. What is left to explore is whether lacking alternatives gives a justification by making one’s act *not wrong*.

#### Fourth Subproject: Defences and Choice

The fourth subproject concerns the following question:

**CHOICE:** Can someone be responsible for something that they have not chosen, such as forgetting to feed one’s dog?

The fourth subproject is by far the least advanced so far. The applicant has reviewed some of the literature on the question (see 2.1), but he has not yet started writing a paper on the topic.

The basic impression of the applicant is that not having chosen some act always provides a partial excuse because it is always relevant to assessing the subject’s quality of will (her values and intentions). But that is not to say that choice is necessary for culpability, even full culpability. That is because an excuse might be so partial that it is negligible. That a non-incapacitated person has forgotten to feed their baby for two days because they were on drugs might mean that they are less monstrous than if they had omitted to feed them intentionally. But it hardly is a good excuse. The attempt to track a subject’s forgetting to a previous decision seems hopeless. But it plays an epistemic role to understand the true values of the agent.

### **2.3 Detailed Research Plan**

The goal of the project (specified in 1) is to ask afresh three questions about moral responsibility by using a new approach, which focusses on defences. As specified in 2.2, the project has four subprojects:

1. **The Defence-First Approach:** the defence-first approach is laid out. Defences (justifications, excuses, and exemptions) are given precise definitions.
2. **Defences and History:** the defence-first approach is used to target the question of HISTORY (see 2.1): *Can someone who is not responsible for her character be responsible for her acts?*
3. **Defences and Alternatives:** the defence-first approach is used to target the question of ALTERNATIVES (see 2.1): *Can someone be responsible for something that she has not chosen?*
4. **Defences and Choice:** the defence-first approach is used to target the question of CHOICE (see 2.1): *Can someone be responsible for unavoidable actions?*

These four subprojects easily divide into four years, although that is an idealisation. During year 1, the method would be laid out. Each subsequent year would be dedicated to a different question.

The project aims mainly at producing four papers, three major papers corresponding to subprojects 2–4; and one more minor paper on the method laid out in subproject 1 and employed in 2–4. Subproject 1 might appear less likely to produce publishable work, because good journals are interested in a new method *insofar as it finds application to solve philosophical problems*. That being said, there are a variety of precise questions on defences (listed below in **year 1**) which can be topics for a short paper in a Tier 2 journal (<20% chance acceptance rate).

As the other members of the research team (in particular the doctorate student and the postdoctoral researcher) have not yet been selected, it is not clear yet whether the papers would be joint papers or not. What seems more probable at this stage is that DEFENCES AND CHOICE and DEFENCES AND ALTERNATIVES will be cowritten whereas the other two will be written by the applicant alone.

During **year 1** (January 2024–December 2024), the project will be set in place, with the hiring of a doctoral student and of a part-time (20 %) MA student. The research of the members will be oriented towards developing a common understanding of excuses, justifications, and exemptions, as well as developing the defence-first approach and its exact relation to the standard approach. Early application of the approach to some philosophical problems about moral responsibility may begin, in order to refine the approach. Some of the following questions should be examined:

- Can justification and exemption be partial? Can excuses be full?
- Are there more defences than justifications, exemptions, and excuses? If justification is a defence, can someone be justified yet blameworthy?
- Why do justifications, exemptions, and excuses block responsibility? In particular, must all good excuses show absence of ill will?
- How do epistemic defences compare with moral or legal defences?

During year 1, one guest speaker per term will be invited to give a talk on responsibility during term time at the Institute of philosophy. A workshop on defences and moral responsibility will be organised in the fall. This will bring some attention to the project, and prospective candidates for the postdoctoral position will be scouted.

During **year 2** (January 2025–December 2025), a postdoctoral researcher will be hired to join the team. He or she will get familiar with the defence-first approach (by then more precise) and help us refine it. The main output of year 2 will be a paper on defences and history, submitted by New Year 2026. (The paper's structure is detailed in 2.2—second subproject.)

A first conference on defences and responsibility will be organised in the spring. During year 2, one guest speaker per term will be invited to give a talk on responsibility during term time at the Institute of philosophy. At the end of year 2, the research team will start contacting journals to organise a special issue on moral responsibility and defences in a journal. The call for paper would ideally be timed with the end of the third conference (spring of **year 4**).

During **year 3** (January 2026–December 2026), a new MA Student will be hired on a part-time basis to replace the first. He or she will be in charge of the organisation of a first large conference on defences and responsibility. The main output of year 2 will be a paper on defences and alternatives, submitted by New Year 2026. (The paper's structure is detailed in 2.2—third subproject.)

A second conference on defences and responsibility will be organised in the spring. During year 3, one guest speaker per term will be invited to give a talk on responsibility during term time at the Institute of philosophy. The postdoctoral researcher will submit a first paper.

During **year 4** (January 2027–December 2027), the main output will be a paper on defences and choice, submitted by New Year 2027, as well as a final conference on defences and responsibility. The paper's structure is, as mentioned in 2.2—fourth subproject—not yet defined. It is the most likely candidate for co-writing. The postdoctoral researcher will submit a second paper.

A third conference on defences and responsibility will be organised in the spring. With three conferences, one on each year at the same time and place, the conferences are likely to grow in size and in recognition. Yet again, during year 4, one guest speaker per term will be invited to give a talk on responsibility during term time at the Institute of philosophy (for a total of eight speakers). All this will help finding good candidates for a special issue on moral responsibility and defences.

**The role of the postdoctoral researcher regarding the production of papers** will depend on his or her expertise. A knowledge of *the legal literature* on defences or on *epistemological literature* on defences would make him or her particularly helpful for refining the defence framework. A knowledge of *precise debates on moral responsibility*—for instance, the debate about CHOICE—would make him or her particularly helpful for taking the lead on one of the different projects. It is also left open whether, in the course of applying the defence-first approach to philosophical questions of moral responsibility, the postdoctoral researcher or the doctoral student prefer, for instance:

- To apply the framework to other questions of moral responsibility, such as the question of responsibility for AI's action or for collective action;
- To focus on other questions related to defences, tangential to the defence-first approach;

- To apply the defence-first approach to questions which lie beyond moral responsibility, such as *legal responsibility*, *epistemic responsibility*, or *political responsibility*;
- To explain how insights of the defence-first approach can be formulated by the standard approach;
- To undertake more historical work on one of the inspirations of the project such as P.F. Strawson or J.L. Austin.

Adding some of these tasks to the current project would make it more ambitious, yet feasible. The postdoctoral researcher is expected to produce **two papers** on his or her own that are related to moral responsibility in general, one of which would touch on defences.

**The role of the doctoral student regarding the production of papers** will vary depending on the speed of integration to the graduate studies (at the Institute of philosophy of the University of Neuchâtel, no classwork is required for successful doctoral studies). What is expected of him or her from the outset is an extensive work alongside with the student administrator to organise the workshop, the three conferences, invite the eight speakers, and build a website for the project to make the project more visible to the research community.

## 2.4 Schedule and Milestones

	Admin	Work	Output
Spring 2024	- Hiring of doctoral student, and first MA student administrator (20%) - Invitation of a guest speaker	Subproject 1: defence framework	Website of the project
Fall 2024	- Organisation of Conference 1 - Invitation of a guest speaker	Subproject 1: defence framework	- Paper 1 (on defences) - Workshop on defences and responsibility
Spring 2025	- Hiring of postdoc - Invitation of a guest speaker	Subproject 2: history	- Conference 1 on defences and responsibility - Talk on history
Fall 2025	- Contact with a journal for a special issue on defences - Invitation of a guest speaker	Subproject 2: history	Paper 2 (on history)
Spring 2026	- Organisation of conference 3 - Invitation of a guest speaker	Subproject 3: alternatives	- Conference 2 on defences and responsibility - Talk on alternatives
Fall 2026	- Hiring of a new MA student administrator (20%)	Subproject 3: alternatives	Paper 3 (on alternatives)



	- Invitation of a guest speaker		
Spring 2027	- Organisation of Conference 4 - Contact with editors for a book project on defences - Invitation of a guest speaker	Subproject 4: choice	- Conference 3 on defences and responsibility - Talk on choices - Paper 1 of postdoctoral researcher
Fall 2027	- Invitation of a guest speaker	Subproject 4: choice	- Book project submitted to editor - Paper 4 (on choice) - Paper 2 of postdoctoral researcher

## 2.5 Relevance and Impact

The project will impact current views on moral responsibility regarding history, alternatives, and choice from two points of view:

- The philosophical point of view;
- The methodological point of view.

From the *philosophical point of view*, it will provide new arguments for views about responsibility and history, alternatives, or choice. It will also provide explanations of what the rival views have got right (since for each case, it is never the case that all defences find application). For instance, the project might provide an argument for the view that *historicism*, the view that one needs to be responsible for one's character to be responsible for one's conduct. It might show this by showing that e.g. having suffered repeated childhood trauma gives a *partial exemption*. But in so doing, it will explain what *anti-historicists* have got right, for instance that having suffered repeated childhood trauma gives no excuse and no justification. Generally, the method allows for nuanced verdicts on difficult cases, especially if we accept that defences—like fatigue, provocation, or forgetfulness—can be merely *partial*. “Are adolescents responsible for their actions?” The defence approach allows verdicts such as “whereas adolescence is no excuse, it is a partial exemption”. This makes the approach more ecumenical.

From the *methodological point of view*, the project will perfect a relatively new method—the defence-first approach—to questions of moral responsibility. This method will be available for other questions touching on moral responsibility that will not be tackled in this project, for instance the question whether artificial intelligence or collective entities can be held responsible.

Each subproject is already formatted to be produce a (~8000 word) paper that could be submitted to top journals of philosophy (acceptance rates of less than 10%, such as *Ethics*, *Philosophical Quarterly*, or *Journal of Philosophy*).

The project does not consist in writing a monograph, but the four papers may constitute the core of a short one (~50 000 words). Other chapters may include the application of the defence first approach to further problems. Obtaining a publishing contract with OUP, CUP, or Springer before the end of the project would be ideal.

The four conferences will be ideal to promote the defence-first approach, if only as a complement to the traditional approach to moral responsibility. They also aim at building bounds between moral philosophers interested in responsibility, especially in Switzerland (where the project is based) and in the UK (where most of the research on defences seems to be conducted).

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