How I LEARNED TO STOP WORRYING AND LOVE LUCK Manuel Vargas University of San Francisco AAMP Version // March 10, 2009

Libertarianism is the philosophical term of art that refers to any account that holds that we have free will, and that our having free will requires that our agency be in some way causally indeterministic. Among the most important objections to libertarian accounts of free will is what I will call the *Luck Problem*. Roughly, the Luck Problem is this: libertarianism's requirement of indeterminism brings with it an unacceptable and ineradicable degree of luck in what the agent does. In turn, this luck undermines the freedom or responsibility of any such agent.

I will argue that the objection expressed by the Luck Problem is no problem. In particular, I argue that the apparent problem with luck is greatly overstated and a problem created by too narrow a focus on what is rightly our concern in a theory of responsibility.

(Background: here, I am interested in free will as a control condition on moral responsibility. I am happy to acknowledge that the term 'free will' can be meant in different ways, several of which have no clear connection to moral responsibility. However, in the present paper, I am unconcerned with notions of free will that do not have some tie to moral responsibility, for reasons that will become clear shortly. By 'moral responsibility' I mean that property that is the subject of a web of characteristic practices, attitudes, and judgments concerned with the deservingness of moral praise and blame, which can be understood in a broad way so as to include such things as resentment, gratitude, indignation, avoidance behavior, and declarations of explicit praise and blame.)

1. THE LUCK PROBLEM

The Luck Problem has existed in one form or another at least since David Hume, and it is perhaps as old as Stoic objections to the Epicurean swerve. Although the general issue admits of different formulations with subtly different emphases, the Luck Problem with which I am concerned is one that focuses on "cross-worlds" luck, a kind of luck that arises when the decision-making of agents is indeterministic. Consider an agent -let us call him Al- with the ordinary set of capacities we associate with typical, adult human agents. Let us suppose that Al, through some indeterministic process at the moment of decision (you may imagine that Al satisfies whatever version of libertarianism you find least objectionable) elects to perform action A, and subsequently performs it. Now, however, let us suppose that the outcome of the suitably indeterministic process is one where this duplicate Al— let us call him Al*, for clarity— does action B. Let us suppose that both actions A & B were undertaken intentionally, the outcomes anticipated and non-accidental, and each choice was rational and viewed as such by the agent. But let us suppose that action B is blameworthy and that A is not. (Perhaps A is morally neutral or perhaps it is praiseworthy.) Here, it seems to be a matter of luck that Al is not rightly subject to blame but that Al* is rightly subjected to blame. This is a matter of luck because there is nothing to explain why Al* ended up doing B rather than A, and why Al ended up doing A rather than B. This luck is supposed to be a problem because, even though there is nothing to explain why Al and Al* did what they did and not some other thing, Al and Al* are subject to very different reactions and moral evaluations. This difference, unexplained as it is, makes our assessments of responsibility in the indeterministic case seem capricious or arbitrary. This phenomenon is the core of the Luck Problem objection- libertarianism requires indeterminism, and indeterminism seems to generate an objectionable capriciousness in what moral reactions are licensed. With few exceptions this concern arises for nearly any libertarian account.¹ It is thus one of the most important and foundational difficulties faced by libertarianism.

2. THE LUCK SOLUTION

The force of the Luck Problem objection hinges on the idea that indeterminism introduces luck into the causal sequence of agency, and that the luck it introduces ultimately undermines responsibility. Roughly, we can say that if luck substantially disrupts ordinary intentional control of actions, then it is a problem. Note, though, that in these cases luck is a problem because of what it *does*— it undermines the thing that (normally²) matters for praise and blame. When the presence of luck doesn't undermine those capacities that rightly matter for praise and blame, it seems that the luck is of no relevance to responsibility. If there is a 1% chance that some assassin will miss his target due to random wind effects, this does not —to my ears anyway— undercut my default conviction that the assassin (if otherwise normal, uncoerced, and so on) is responsible for killing the target. Indeterminism in the world appears to present no intrinsic or necessary and substantial problem with luck.³

I take it the preceding remarks are consistent with perhaps the standard views about luck after the formation of an intention to act.⁴ The issue, as we have seen, concerns what happens when the luck arises as feature of agents and their indeterministic practical deliberations. The thrust of the Luck Problem objection is that the cross-worlds differences for agents like Al and Al* are problematic because there is no explanation why they did action A as opposed to action B. Because each action has a different moral valence, though, our resultant moral evaluation seem capricious or in some way unanchored. It is this last inference —the move from the fact of luck and the fact of different moral evaluations to the conclusion that such distinct evaluations are capricious or responsibility-undermining— that I wish to reject. In particular, it seems to me that we have some plausible, independently motivated models where there is nothing problematic about retaining moral judgments in the face of luck-drenched decisions and attendant outcomes. Consider a society trying to decide for itself how it will arrange various benefits, roles, and duties for its members in accord with their preferences and some or another fair and accepted decision procedure. Let us suppose that the society's deliberations, based on an appropriate deliberative path that respects their agreed upon decision procedures, yields three possible schemes of social arrangement. Let us further suppose that each scheme does an equally good job of satisfying the collection of relevant demands and constraints on the group's deliberations. We can further suppose that each scheme may vary in how it satisfies a given individual's preferences, how it meets his or her interests, and the degree to which it does, but that the justification for any of these schemes is essentially the same and it is only in the details of particular distributions that there is a difference. In each case there is a widely shared set of reasons favoring each of these candidate social arrangements. Indeed, we can suppose that the very same reasons favor each candidate arrangement equally well.

Now, let us also suppose that these three schemes yield very different social positions for a particular individual— call her Satya— at some arbitrarily selected future time. On some arrangements, Satya is fabulously wealthy and accorded enormous social respect for her achievements. On other arrangements, there is no similar social prestige attached to her lot in life and her life is unremarkable in the usual sort of ways. In still others, the life afforded to her carries a comparatively low degree of social respect. If you like, we can imagine that each of these three schemes establishes some baseline degree of social respect, standards of human dignity, and norms of interaction. Or not. These details do not matter for present purposes, just so long as we accept that (1) there will be differential attitudes and judgments directed at Satya as a consequence of how her life story interacts with the elected social arrangement, and (2) the social arrangement is suitably justified, a product of whatever legitimate constraints and interests there are on a society's selection of an organizing social scheme.

Now let us suppose that our society faces these three options and realizes that any of them will do equally well. In fairness to all of its members, the society elects to utilize a randomized, genuinely indeterministic process for settling which of these schemes shall be brought forth. This strikes our society as a crucial element to include in its decision procedure, because even though each social arrangement is equally good from the standpoint of the society as a whole, each arrangement has a different appeal or value from the standpoint of any given individual. Here, then, is the crucial point: when the veil of indeterminism is pulled back, whatever society is selected will leave Satya ill-positioned to complain about the results. Later in her life she might look back and note that it was a good, bad, or unremarkable piece of luck that shaped the life that she did lead, and consequently how others treated her. Nevertheless, it seems clear that such indeterministically generated luck would *not* undermine the legitimacy of reactions and interactions involving Satya so long as it was produced in a normatively satisfactory fashion. Notice, though, that what we have is precisely a case where there is cross-worlds luck, but such luck does nothing to undermine the normative integrity of the social arrangements and what follows. If so, we have a model for why luck at the time of deliberation need not be responsibility-undermining.

It is important to understand why the presence of luck is unproblematic. The presence of indeterministically generated luck is not problematic precisely because the results of that luck operate with a larger framework of justification for whatever results. That is, under whatever society Satya finds herself there is an adequate justificatory scheme for the way she will be treated, for the status she will have in that social context, and for the system of justified norms that license particular behaviors and disallow others. The presence of luck does nothing to change this fact. So, even if there is no explanation for why our imagined society chose social arrangement A over arrangements B and C, this does not undermine the legitimacy of the social arrangements that come to be in society A when it is the one that is selected, even if it is partly a matter of luck.

Now let us consider the original Luck Problem objection expressed in the case of Al. Here too it seems to me we face the same basic situation described in the Satya case: it is a matter of luck whether Al ends up doing A or B, but whichever action results does nothing to undermine his responsibility, just so long as there is an adequate justification for the norms, statuses, and reactions to which Al is subsequently subjected. What makes Satya ill-positioned to complain, even in the face of the real existence of cross-worlds luck about her position, is that the norms governing her status are justified. What would make Al ill-positioned to complain are similarly well-justified norms governing reactions to his undertaking whatever action he undertakes. In sum, the fact of luck need not undermine responsibility if there is an adequate justification for our reactions, whatever outcome results.

There is more to say about this picture, of course, but the most efficient way of doing that in this case may be to consider objections one might have to the account as it has thus far been presented. I will focus on three.

First, consider an objection that will inevitably be voiced by a hard-nosed proponent of the Luck Problem: it is an open question whether there are indeed well justified norms governing praise and blame. Consequently, the argument I have offered is only the map to a strategy for responding to the Luck Problem. As a purported solution, it falls short for it cannot be appealed to in isolation of other commitments that have not yet been established. Fair enough. Note, though, that now the dialectical situation is substantially different. Instead of arguing about whether indeterminism generates luck we are now faced with a different, fundamentally normative challenge: to show whether or not there are (or can be) a system of norms that would justify praise and blame in a manner akin to the Satya case. Even if we have not built a case for this conclusion, it is a substantial result to show that there is an entirely different way of addressing the Luck Problem than has thus far been pursued.

However, I am inclined to think a case can be built for the justification of responsibility practices, attitudes and judgments in a way that is compatible with the existence of cross-worlds luck. Indeed, elsewhere I have tried to offer such an account, one that exploits the basic idea that normative structures that are largely independent of the particulars of any given agent can license a robust and recognizable system of responsibility practices, attitudes, and judgments.⁵ For present purposes, however, it is enough to have motivated the idea that such an account is possible. Minimally, it permits us a substantial conditional claim, one where we have some principled reason to think that the antecedent is true: *if* there is such a justification available to us for our existing system of responsibility, or one for a recognizable system of praise and blame, then we do have a principled reply to the Luck Problem. This reply grants the possibility that indeterminism of the sort favored by many libertarians will bring with it luck, but it denies that this fact entails that luck-producing agency *must* undermine responsibility. Luck might yet be shown to undermine responsibility, of course. But, it does not appear to, if there is an adequate justification for the normative framework that structures reactions to those luck-born outcomes.

I do not wish to downplay the potential for unusual theoretical burdens, should the libertarian take advantage of the machinery I have here proffered. If I am right that there is an adequate justification of the responsibility system that is independent of the familiar debates about the required metaphysics of agency, then we might ask what it is that libertarianism buys us over a suitably sophisticated picture of agency that makes no requirement of indeterminism. And, it is no trivial thing to show that there is an adequate justification of the responsibility system that does not hinge on the presence of agency so described by libertarians. However, this is a *further* problem, not intrinsic to the complaint expressed in the Luck Problem objection, and not anything to which this account should be held hostage.⁶ My aim here is the more narrowly focused task of bringing light to

a novel and hopefully promising way of getting a better grip on what, exactly, the challenge of luck comes to and how we might reply to it.

A second objection focuses on a disanalogy in the relationship of the norms that govern the outcome and the involved agent. One might object that Satya played some role in instituting those norms governing the status of the outcomes in her example, and that Al played no such role in instituting the normative framework that governs reactions to the outcomes in his example. Satya's preferences, after all, play a comparatively direct role in determining which societies are just and which are not. Al's preferences play no similarly direct role in explanation the justification of norms of responsibility. So, perhaps, this difference explains why cross-worlds luck is not problematic in the Satya case, but why it might be thought to arise in the Al case.

In reply: nothing seems to hang on Satya's preferences or values directly generating the normative status of what ensues. If you like, we can abandon the suggestion that Satya was a member of the society at some mythical moment of genesis. Instead, we might suppose that the justificatory story in Satya's case is indirect and subsequent to whatever constitutes a plausible origin for the society. In this modified example, the resultant social arrangement's legitimacy can be understood to derive from the satisfaction of some suitable test of what members of that society could not reasonably disagree with. If this sort of justification is adequate for accounting for licensing normative statuses internal the practice in which agents find themselves, I see no reason why a similar account of justification could not hold in the case of a system of moral responsibility. On the picture we are considering, the test for the justification of norms of praise and blame, and their applicability to Al's case, hinge on considerations of whether, for example, the norms are ones that no one can reasonably reject In neither case would the considered agent play a direct role in the generation of the norms that structure the status of the luck-governed outcome. So, it seems to me that relationship of the agent to the origin of those norms is irrelevant to the basic point. What does

matter is whether there are justified norms governing our reactions to whichever of the options is brought about.

Now consider a third objection, one that focuses on a disanalogy in how the alternatives are brought about. The objection can be put this way: "Satya may be responsible in part for the choice situation in which she will be placed in arrangements A, B or C. However, she is *not* responsible for the selection of which position among the three she ends up in. Similarly, Al may be responsible for being in a position where he has a choice between A or B. Unlike Satya, however, he is (at least on a libertarian account) supposed to also be responsible for the selection of which the two, A or B he ends up with. This is a significant difference."⁷

I have two replies.

First, I agree that there is a difference here. However, it is not clear to me why this is a difference that matters for the point at hand. My aim has been to motivate the idea that luck need not undermine responsibility if it occurs in a suitable normatively structured context, one where the prescribed reactions to the result can be justified. And, I take it, the Satya example shows how this can be so. We then extend the insight to the Al case, not because we suppose that Satya is responsible for the selection of the actual arrangement, but rather because we take the Satya example to illustrate that the presence of luck cannot undermine the normative status of outcomes under special conditions. Those special conditions are these: for any possibility that results, there is an adequate justification for how we regard that the actualization of that possibility. Then, we consider whether in the Al case, it is plausible —or least conceivable— to think that whatever Al does indeterministically, there is an adequate justification for ascribing praise or blame in light of what Al has done. I am inclined to think that it is certainly possible, and although I have not tried to argue for it here, I think it is even plausible. We can, of course, contest any particular proposal of how this justificatory story might go. But here we would do well to stop and consider a point that is easily lost

in the dialectical shuffle. It would be deeply troubling for an account of moral responsibility if there is *no* such story to be told. After all, there had better be *something* that underwrites the general normative integrity of our web of responsibility practices, attitudes, and judgments. Otherwise, skepticism looms. But recall that earlier we already set aside thoroughgoing skepticism about free will and moral responsibility. Consequently, at least internal to the scope of this argument, and certainly if one antecedent finds such skepticism implausible, one should think that there is indeed some general justification for our assessments of responsibility. So, unless there is some special reason to think that Al's playing a role in the actualization of one possibility rather than another somehow undermines that justificatory framework itself, a framework that plausibly exists independent of Al, and a framework with a justificatory source that is presumably broader than Al and his psychological states, there seems to be no reason we cannot extend the basic strategy to the Al case. So yes, there is a difference, but not a difference that makes a difference.

The second reply is more straightforward. To summarize, I do not see why we cannot concoct a case that transfers the basic insight of the Satya case to a scenario where the agent is plausibly responsible for which social arrangement that obtains. So, let us suppose that someone — let us call her Athena— is in a position somewhat similar to Satya's, one where a group of people is deciding how to arrange the basic institutions and relations of their society. Let us suppose that Athena's society has, via a just process, entrusted Athena to make a choice about which social arrangement they shall implement, in light of her considerable wisdom about these matters. As a consequence, however, there are some live options that are unjust — alive because Athena considers them and unjust because, say, they do an unacceptably bad job of satisfying the basic needs, preferences, and ends of the members of that society. However, let us suppose that after surveying the options, both just and unjust, Athena issues the following decree: the arrangement to be implemented is that which is both just and that is the product of an indeterministic choice-making

device that she has selected. And, let us suppose that having constrained the possibilities in the way she has, and having invoked indeterminism to settle the matter among the just options, we arrive at an indeterministically selected arrangement that, as a consequence of the indeterminism, makes luck a part of the process, much as it did in the Satya case. The following seems plausible: if we assume Athena satisfies whatever conditions you suppose are required for moral responsibility (recall: thoroughgoing skepticism about moral responsibility is still off the table), then she is responsible for whatever social arrangement it is that is selected. And, as in the Satya case, whichever arrangement she subsequently finds herself in, she is in no position to complain despite the fact of luck that is introduced by the indeterminism. In sum, the basic insight of the Satya example can be extended to cases where the considered agent is responsible for which possibility is actualized.

What all of the preceding shows is that it is reasonable to think that the Satya case points us to a possibility, perhaps a plausible one, that would explain how cross-worlds luck and moral responsibility might be consistent.

3. FURTHER RUMINATIONS, OR, UNEARNED THOUGHTS ON CONTROL

In the above section I have focused on a version of the Luck Problem that emphasizes its significance for responsibility.⁸ One might wonder what implications these remarks have for the issue of control. Philosophers sometimes focus on the Luck Problem because it can suggest that an agent with indeterminism of the sort stipulated by one's favored libertarian account is an agent with diminished control or insufficient control. The strategy I have been discussing seems to bypass the matter of control, leaving it as an issue that is to be sorted out by the particulars of one's favored requirements on FRAC. Yet, at least intuitively, it can seem that luck matters because it can disrupt control sometimes and not others. And, we could have this worry even if we became convinced that control and responsibility can come apart, so that diminution of control does not always entail

diminution of responsibility, and vice-versa.⁹ So, it would be appealing to have something to say about how one might respond to this worry while deploying my proposed response to the Luck Problem.

My suspicion is that there is no single, unified thing that constitutes control of the sort purportedly impugned by the Luck Problem objection. Here, I think a pragmatic approach is in order. Or at least, we would do well to attend carefully to why we are concerned about one or another form of control. That is, I am inclined to think that what matters are the notions of control sufficient for our various practical purposes. If this is right, then we are likely to find that the same degree of indeterministically-generated luck will sometimes count as disrupting control and other times it will not. So, for example, in the case of moral responsibility it seems plausible to think that what will frequently be at stake is whether the element of luck pushes the agent into an actional or deliberative context beyond his or her normal parameters. In turn, this will depend on how we construe or think about what counts as normal parameters in which we expect an agent to have control. These parameters are, presumably, partly a further function of how well our societies equip us to operate, in contexts we expect people to function in. So, what counts as being in control of a computer mouse for a professional video gamer will be different than what counts as control for someone who picks up a computer mouse for the first time; a novice might be rightly said to have attained control of the mouse when he or she can effectively select among objects a hundred pixels wide. In contrast, in the context of competitive gaming that coarse-grained of a degree of selectivity might be rightly viewed as substantially out of control. Similarly, whether the physiological effects of three drinks of alcohol means one's driving is in or out of control is, of course, substantially a function of blood alcohol content. However, it is also partly a function of the minimal kinds of reactions and judgments we expect of drivers. None of this complexity requires abandoning the idea that there can be facts of the matter regarding control. Still, when we turn to the matter of responsibility and how the matter of control intersects with it, it seems to me that we would do well to be prepared to accept the idea that there is not some uniform story to be told about control across all contexts.

With this sort of picture in mind, it gets easier to see why the Luck Problem is both properly troublesome and not troublesome. What makes luck troublesome is the fact that whether or not we are in control of some action requires the cooperation of the world, and the world is subject to forces outside of our control. It is not indeterminism, per se, that is the problem. The indeterminism just shows one way that facts of the world might not cooperate, depending on where that indeterminism is and what its effect might be. This suggests that the root of worries about luck is really just the worry that we are at the mercy of the universe, and that at any moment it might disrupt the delicate circumstances of our control.

These reflections suggest a different way of understanding a striking example that Kane has borrowed from Kant, of a bird that is unhappy about the resistance of the air and the wind to its flight (*Four Views*, p. 40). The bird fails to recognize that the wind and air that generate the resistance it despises are actually conditions for the possibility of flight at all. Kane takes the example to illustrate how indeterminism might be required for control and freedom even if it can also undermine control. The picture advanced by this paper, however, points to a different (but perhaps complementary) way of understanding the example: we go wrong to try to isolate control in just the features of the agent, whether or not they are indeterministic.

Suppose this circumstance-embedded picture of control is correct, one on which control varies across contexts, one where whether we have it or not is partly a function of our practical interests. On this view it is comparatively clear why that indeterministic luck is not, by itself, responsibility undermining. Whether the indeterminism is or is not undermining really depends on facts about agents in contexts. Among those elements of context that surely matter for the case of

moralized praise and blame are whether any resultant praising and blaming is consistent with justified norms governing them. And it is this latter issue —the normative status of the action as it in fact originated— that settles the matter of whether or not the luck generated by indeterminism is responsibility-undermining. We can see this by returning to the issue of the cross-worlds luck facing Al. There might be cross-world luck, but the fact that Al does not control the source of luck does not necessarily mean that Al is not in control. On the present view, whether Al is in control or not is decided not only by features of Al, but also by our concerns in judging praise- and blameworthiness. And, for most practical purposes, we are not interested in more than, roughly, (1) whether the agent was suitably reasons-recognizing and reasons-governed in that context and (2) whether the act accurately reflected the will or attitude of the agent.¹⁰ Of course, cross-worlds luck arising from some indeterministic feature of the agent could undermine either or both of conditions (1) and (2). But there is no special reason to suppose that this must be the ordinary case, even if we are agents of the sort hoped for by libertarians. If so, then we can acknowledge the possibility that indeterminism may inexorably give rise to luck without thereby committing ourselves to the view that such luck infects the integrity of moral responsibility.¹¹

¹ For a recent account of how libertarianism might be rendered comparatively immune to luck worries, different than the approach I recommend here, see Alfred Mele, *Free Will and Luck* (Oxford: New York, 2006).

² Put to the side tracing cases and the possibility that there might be some acts whose desert base are the agent's attitudes. I will assume these cases are excluded in what follows.

³ Here, I have learned from Robert Kane, "Responsibility, Luck, and Chance: Reflections on Free Will and Indeterminism." Also, in saying that there is no intrinsic and substantial problem with luck, I do not mean to suggest that there are no complex issues here about how much indeterminism there can be before it no longer makes sense to describe some event as a case of intentional, controlled action. And, I recognize there are intricate matters lurking here concerning the connection between knowledge claims and indeterministic luck in the world, and how this intersects with requirements on moral responsibility. Still, in a range of pedestrian cases the fact of indeterministic luck would not be, by itself, a substantial problem. ⁴ For good discussions of some of these issues and the relevant literature, see Alfred Mele, *Free Will and Luck*; Randolph Clarke, *Libertarian Accounts of Free Will*; and Robert Kane, *The*

Significance of Free Will.

⁵ Suppressed for review.

⁶ For some discussions of varieties of libertarianism that are content to give quite a bit of ground to compatibilists see Dan Speak, "Toward an Axiological Defense of Libertarianism," *Philosophical Topics* 32, no. 1&2 (2004): 353-69 and chapters 3-5 of Alfred Mele, *Free Will and Luck*.

⁷ Robert Kane has put this objection to me.

⁹ Kane has argued for the former in a number of places, most recently in *Four Views on Free Will*, pp. 38-40.

¹⁰ I take this latter condition to express the impetus behind identificationist accounts of responsibility.

¹¹ Acknowedgements.

⁸ This is in keeping with a substantial swath of the current literature. See, for example: Robert Kane, "Responsibility, Luck, and Chance: Reflections on Free Will and Indeterminism"; John Martin Fischer et al., *Four Views on Free Will* (Malden, MA: Blackwell, 2007); and Alfred Mele, *Free Will and Luck*.

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