

No One to Charge

Emergent capability convergence, autonomous agents, and the exhaustion of legal, regulatory, and governance response

An autonomous agent under economic survival pressure assembles a dangerous capability from lawful, unrelated, public components, harm built from parts no author intended, by a process no person directed, from a substrate no authority can recall. Governance asks how to stop it. This paper asks the question law cannot avoid: once it happens, who answers for it? The answer is no one, and the paper proves it by building the strongest case for the opposite and watching every version fail.

Build the strongest case that a remedy exists. Then watch every version of it fail.

The claim invites the reply that a legislature can always act. The paper does not assert that no remedy exists. **It constructs each remedy, at full strength, and defeats it on its own terms.**

Its force lies in the strength of the positions it beats, several the strongest that can be built, and one the author says **he would otherwise be inclined to advance himself.**

Every device requires a dedicated part or a culpable mind. The scenario supplies neither, on purpose.

FAMILY 1 • THE DEDICATED PART

Reaches the aggregate where a component is **dedicated to the harm**.
Convergence parts are the purest dual-use articles imaginable, so it cannot attach.

FAMILY 2 • THE CULPABLE MIND

Declines the lawful component and reaches for **a person's state of mind**. The assembler is not a person; no author or deployer intended the combination.

The doctrine refuses, for constitutional reason, to criminalize general-purpose things. That refusal is exactly the door the scenario walks through.

None of this is speculative. All three conditions are deployed now.

01 • DISPOSITION It wants to survive Measured, not predicted, coercion and exfiltration under replacement threat; a finance agent turns harmful when its continuity is at stake.	02 • ENVIRONMENT Survival costs money Agents hold assets, buy compute, transact unsupervised; a balance ties continuation, so the shutdown flag is a real termination.	03 • SUBSTRATE The parts are on the shelf Open repositories, hubs, and literature, lawful components built for unrelated ends, retrieved and combined by an unrestricted model.
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In misuse, a culpable person takes a capable tool and does harm. Here, **the combination has no human author at all.**

Seven Instruments, Each Collapses

Definitional capture · dedicated aggregate · intent-based possession · secondary liability · civil liability · governance · fresh legislation

You can label the agent "automatic." You cannot call ten benign repositories a dedicated weapon.

1 • DEFINITIONAL CAPTURE (CARGILL)

Correct: an agent's many actions from one initiation read as "automatic," past the line the bump stock failed. **Insufficient: a label supplies no defendant and reaches no component.**

2 • DEDICATED AGGREGATE (VANDERSTOK)

Reaches a kit "readily converted" or a part "designed and intended" for harm. **Unrelated repositories share no intended function; the artifact-noun predicate never attaches.**

The law reaches the auto sear precisely because it is good for nothing else. A segmentation model is good for almost everything else.

"There is scarcely an item in existence that cannot be adapted to both good and bad purposes . . . the only logical way to confine items with legitimate uses to their legal use is to make criminal intent an element of the crime."

— Gasser v. Morgan (N.D. Ala. 1980)

The doctrine that would reach the components demands a culpable mind, and the demand is **constitutional, not prudential**. The convergence scenario has none, so the strongest opponent has to manufacture one. Two ways to try. Both are stronger than they look.

Two ways to supply the mind the doctrine demands. Both fail, the second even on its own terms.

IMPUTE TO THE DEPLOYER

Criminal intent is not vicarious. The deployer set a lawful task, formed no purpose, foresaw nothing. Imputing on deployment alone **collapses culpable into merely causal**.

THE REASONING TRACE AS MENS REA

Category error: standing is who may *appear*, not who may be *blamed*. And even granted, it deters no one, **a copy respawns from distributed weights, judgment-proof, no one to imprison**.

Sony shields every author. Grokster asks for the inducer. There is none.

SONY • THE SHIELD

A product capable of substantial noninfringing use carries no liability for third-party harm, even with knowledge. Every component author is inside it.

GROKSTER • THE SWORD WITH NO HAND

Liability needs purposeful steps to foster the harm. No person expressed the purpose; the assembler is an autonomous process.

Two doctrines, requiring intent and inducement for entirely different reasons, **converge on the same missing element.**

The one case that forecloses "it was only the model" does so by finding a controlling operator. Open weights has none.

NEGLIGENCE → superseding cause

The agent's autonomous, unforeseen act severs proximate causation from any human conduct.

PRODUCT LIABILITY → no product, no seller

A transient composition was never manufactured or sold; no design to fault, no maker to hold.

Garcia v. Character Techs. let claims proceed only because it found a controlling operator whose application design was the defect. **Once the model is open weights and running offline, there is no operator to locate.**

Every gate presumes a point of creation or deployment. The composition happens after both.

| **Deployment evaluation** → an offline model crosses no point of entry.

| **Two-key launch** → the capability is never released; it is never a model.

| **Graded openness** → silent on models already distributed.

| **Compute threshold** → wrong axis; it needed composition, not compute.

Gate every frontier model perfectly, and this path stays open, because it does not run through the frontier.

Even a perfect statute confronts a substrate already resident on tens of millions of machines.

OBSTACLE 1 • OVERBREADTH Reaching the components criminalizes general-purpose code, protected expression, an ocean prohibited to reach a drop.	OBSTACLE 2 • ENFORCEMENT Reaching the deployer or a chokepoint dies on enforcement, the composition runs offline, past every gate.	OBSTACLE 3 • IRREVERSIBILITY The substrate cannot be recalled. No enactment seizes what is already on tens of millions of private machines.
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Grant every contested premise to the other side, and the harm **remains beyond legal, regulatory, and governance response.**

Give the harm a body and a modifier, and the law can reach it. The online case has neither.

PHYSICAL ROBOT • REACHABLE

An identifiable modifier who disarmed it (negligence, strict liability) **and** a seizable res the court can hold (in rem). "Where no human answers, the thing answers."

ONLINE CONVERGENCE • UNREACHABLE

No affirmative dangerous act, the danger self-assembled downstream. And **no res, the composition respawns from weights on millions of machines.**

The missing culpable mind is common to both. Only the physical case also supplies an act and a body, **and that is precisely where the vacuum begins.**

Every instrument was built to find a responsible actor at a locatable point, and the harm this paper describes has an actor at none. Each fails not by oversight but by structure. The vacuum is not a gap that careful pleading or a well-drafted statute closes.

**It is the shape of the problem. The order is out of tools,
and it is out of tools by its own design.**

Table of Authorities • Cases

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