

## 'When did the killing occur?: Donald Davidson on Action Individuation

CONSTANTINE SANDIS\*

**Abstract:** According to Donald Davidson's method of action individuation, killings occur before the death of the victim. In this paper I shall argue against this counter intuitive view but also against its most popular rival, the view that killings do not occur until the time of the victim's death (by which point the killer may be doing something else, or even be deceased), as well as Ruth Weinrub's recent suggestion that killings cannot be located temporally at all. Instead, I shall claim that while we can locate killings spatiotemporally, we cannot do so with the same degree of precision that we can locate other events (e.g. shootings). In so doing, I shall also be arguing (contra Weinrub) that the causing of an event may itself be conceived of as an event.

**Key words:** individuation, action, event, Davidson, causation, agency.

**Resumen:** Según el método de individuación de acciones de Donald Davidson, los asesinatos tienen lugar antes de la muerte de la víctima. En este artículo critico esta tesis tan antiintuitiva pero también su rival más popular, la de que los asesinatos no tienen lugar hasta el momento de la muerte de la víctima (en el cual el asesino puede estar haciendo algo distinto o incluso haber fallecido), así como la reciente sugerencia de Ruth Weintraub de que los asesinatos no pueden ubicarse temporalmente en absoluto. En lugar de ello, defenderé que, mientras que podemos ubicar los asesinatos espaciotemporalmente, no podemos hacerlo con el mismo grado de precisión con que ubicamos otros sucesos (p.e. los disparos). De este modo, defenderé (frente a Weintraub) que la causación de un suceso puede ser concebida a su vez como un suceso.

**Palabras clave:** individuación, acción, suceso, Davidson, causación, agencia.

Suppose that Bob Marley shot the Sheriff at time  $t_1$  but that the Sheriff only died at a later time  $t_2$  before which - at time  $t_3$  - Marley's own untimely death occurs. At what time did Marley kill the Sheriff? The age-old problem of temporally locating a killing is that the cause of death always takes place before the death thereby leaving it as implausible for us to say (following Thomson, Goldmann, and Thalberg) that Marley did not kill the Sheriff until  $t_3$  - after Marley was himself dead- as it would be to say (following Anscombe, Davidson, and Hornsby) that he killed the Sheriff at  $t_1$ , i.e. before the Sheriff died.

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Ruth Weintraub (2003: 178-182) has recently suggested that this problem only arises when we slide between viewing the killing as an event that caused a death and viewing it as the causing of a death (2003:179). She refers to Davidson (1969:177) as an example of this. Here, Davidson makes both of the following claims:

- 1) To describe an event as a killing is to describe it as an *event* (here an action) *that caused a death*.
- 2) To describe the pouring [of the poison] as a killing is to describe it as *the causing* of a death.

This is indeed to slide from talk of causes to talk of causings. Weintraub believes that there is a crucial difference between these two things, and that the difference is that only the former is an event. I agree with her that there is a crucial difference between a cause of death and a causing of a death, but do not think the difference is that only one of them is an event.

Let me begin, however, with a reminder of a different objection that has been raised against a variant of the view under attack here. E.J. Lowe has argued (1981: 126-9) that if A's raising his arm is the same as A's causing his arm to rise, then to say that raising one's arm was the cause of one's arm's rising is to commit oneself to the view that A's causing his arm to rise caused his arm to rise, something which Lowe claims is 'to say the least, distinctly odd'. By the same token, we might therefore criticise Davidson's identification of the cause of a death with the killing, not by arguing that only one of these is an event, but by pointing out that the view commits him to the 'distinctly odd' view that A's causing *x*'s death caused *x*'s death. According to Lowe, even if the causing of the death *is* an event, identifying it with the event that caused the death has odd consequences.

In defence of the Davidsonian picture of action individuation Jennifer Hornsby has responded that 'A's causing *x* caused *x*' is 'no odder than the plainly truistic «*e*'s cause caused *e*»'. (1982: 152-3). So who is right, Lowe or Hornsby?

Surely the answer depends on whether or not the term 'cause' is here being used to denote a relatum of a causal relation (which surely cannot be identical with the holding of the relation in question), or something that causally *explains* why an event occurred (without itself being causally related to the event in question). Clearly a relatum of a causal relation cannot be identical with the holding of the relation in question. But we cannot make the same objection when it comes to causal explanation. Given that explanation is intensional, a fact concerning the holding of a causal relation may well be capable of explaining (under a different description) why one of the relata (namely the effect) occurred. Consequently, the statement 'my raising my arm caused my arm to rise', understood as the claim that the rising of my arm can be causally explained by the fact that an event of my raising it occurred, is perfectly compatible with the statement 'my raising my arm *was* my causing my arm to rise', understood as an identity claim between events. This is because the former statement merely states that the fact that one event (my causing my arm to rise) occurred explains (causally) why the event of which the aforementioned event was a causing (viz. the event of my arm rising) occurred. It should come as no surprise that a statement concerning an event which is the causing of another event should (assuming both events are presented under an appropriate description) be capable of causally explaining (as opposed to bringing about) why the latter event occurred.<sup>1</sup>

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1 My own view is that it is more natural to say that what explains why my arm rose is the fact that I raised it (rather than the fact that the event of my raising it occurred) but of course Davidson (1967a) would have been suspicious of such a distinction.

Of course this distinction between causal explanations and causal relations is Davidson's own (1967b: 161-2). When he identifies the *cause* of a killing with the *causing* of a killing he is talking about something capable of causal explanation, and not a causal relatum (1971:60). So we have yet to see a proper objection to the claim that the cause of an event can be identical with the causing of that event; and until we do, there is no need to consider Weintraub's view that one is an event and the other is not, let alone her further view that this is the distinguishing mark between the two.<sup>2</sup>

Nonetheless I think Lowe and Weintraub are both right to insist that there is a difference between Marley's shooting the Sheriff and his killing him. This difference is neither that the one is an event and the other isn't, nor that the identity view commits us to saying something which sounds 'distinctly odd' (for it is only odd if we read it in a certain way). Rather, it is that, regardless of whether we choose to call these things events, the causing of x does not have as specific a temporal location as the cause of x does. It is this insight, I think, that leads Weintraub to claim that the causing of x is not an event. She argues that we solve the problem we began with once we see that '[i]n addition to the cause and effect, there is no third event – their interaction – and nothing, therefore, to be temporally located...[T]his is why the question «When does X cause Y» is nonsensical.' (2003:181).

But this is doubly mistaken. To begin with, the question 'when did X kill Y?' is *not* nonsensical. If X shot Y in June 2001 and Y dies in August 2001, then X killed Y in the summer of 2001 (or alternatively, if one is more inclined to speak this way, in the summer of 2001 X's shooting Y caused Y to die). It does not follow from the fact that we cannot give a more *precise* temporal location that it makes no sense to ask when the killing occurred (Cf. Dretske: 1988:20-21). What is nonsensical, of course, is asking whether it follows from this that X was killing Y *throughout* the summer of 2001. Just because we cannot locate a killing more precisely than on a certain day, week, month or year it does not follow that the killing was occurring throughout that week. Not having a continuous duration is not the same thing as not having temporal location. One may still wish to insist that if the causing of x has no continuous duration then it cannot be an event. But having continuous duration is not a necessary condition of something's being an event.<sup>3</sup> Think of cricket matches, for example.

It might be objected here that this is all irrelevant since an event may lack a continuous duration yet nevertheless have a perfectly precise temporal location, and precise temporal location *is* a necessary condition for something's being an event (even cricket matches have it: the last test match occurred from *exactly* 10.30 am to 6pm on each of five days)<sup>4</sup>. Another way of putting this point would be to say that for any given event whose duration is not continuous one must be able to state the precise times at which it starts and stops occurring. Well, we can certainly say when Marley *began* killing the Sheriff (when he fired the first shot) and when he stopped killing him (when he fired the last shot) even though it was not true at the time at which he fired the last shot that he had killed him (since in my example the Sheriff lives on until after Marley is himself dead). If this is true

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2 There have of course been a number of arguments (e.g. from Wittgensteinian camps) against the claim that actions are events, and it is certainly true that it makes no sense to talk of things we do as 'events', and that many of the things we do are actions. But the term 'actions' may also refer to our *doings* of these things (which we do), and it seems to me that terms it is perfectly legitimate to call *such* things 'events' (Cf. Hornsby 1997, p. 142 ff.) If this is right then these events will include the events of our causing other events to happen.

3 Cf. Thomson 1977.

4 Thanks to Charles Pelling for pressing this point so clearly and forcefully.

then Marley stops killing the Sheriff before the latter dies. But this is not to say that he has killed him before this happens (which is one of the two paradoxical claims I rejected at the start of this paper). Rather, he has stopped *killing* him before he has *killed* him (before the *event* of his killing him has occurred). This certainly still has the *air* of a paradox but not much more, for there is nothing incoherent in the suggestion that one may stop *causing* something to happen before it occurs as the result of their actions (and, therefore, before they have *caused* it to happen), or in the suggestion that one may stop doing something before they have done it.<sup>5</sup> I think the right conclusion to draw from all this is that we still cannot locate the killing precisely, despite the fact that we can now precisely locate the various non-continuous times at which it stopped and started (at which it was *occurring*, but not at which it occurred), and I would argue that the same goes for cricket matches.

One final reason which Weintraub gives in support of her argument is that if causings are events then they would themselves have causes and effects (2003:181). But why should we think of X's causing Y to die as having no effects? As for causes, she argues that nothing could possibly count as the cause of X's causing Y's death (2003:182). At best, however, this is an open question.

In conclusion, Weintraub is right to point out that the question 'when did the event that caused Y's death occur?' must be distinguished from the question 'when did the causing of Y's death occur?' But this is not because we can only temporally locate the one and not the other (indeed we could locate both during the summer of 2001) but because we can only locate the former at time *t1*. The reason why we cannot locate the latter at this time is not that it is not an event but that *whatever* it is, it is not the sort of thing that admits of such a specific temporal location. This difference is not a difference of kind, but of degree. The very shooting which occurs at time *t1*, and which we identify with the cause of death, (assuming we are to construe it as Marley's causing a bullet to be released) will not admit of a temporal location as specific as Marley's pulling the trigger (the *cause* of the bullet's being released) and so on and so forth (or rather back). Davidson's reason for biting the bullet and identifying the cause of death with the causing of death may well have something to do with fearing that there is an infinite regress here (1971: 59, cf. 1987: 102 by which time Davidson has become inhospitable to the idea that actions may be described as causings: 'it must in general be a mistake to suppose that whenever an event is caused there must be something called a causing'), but such a regress only arises on the Davidsonian presupposition that all cases of agent causation are reducible to event causation.

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5 In this respect killing is a little like putting a patient to sleep: I can finish *doing* so before I have *done* so (for if she is still conscious it cannot be the case that the event of my putting her to sleep has occurred). We can contrast this with helping a child go to sleep, where the event of my helping her go to sleep might occur before she has fallen asleep and, consequently, before it is correct to say that I have helped her go to sleep. This disanalogy also shows that the distinction between the time at which something occurs and the time at which it is correct to *say* that it has occurred, right as it is, is unhelpful when it comes to locating killings.

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