

## A REJOINDER

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Mr. Allen suggests two possible redescrptions of Jones' act of killing Smith:

- (a) Jones brings about Smith's wife's suicide
- (b) Jones brings about the orphaning of Smith's six children.

Mr. Allen argues that these descriptions are not ruled out as redescrptions of Jones' action in any but a trivial way. In replying to his criticisms, I should like, first, to adduce some general considerations in support of my contentions. Secondly, in an attempt to show that the "ruling out" in question is non-trivial, I shall reply to some specific points which Mr. Allen makes.

Mr. Allen argues, in effect, that (8) and (9) (on the original list of descriptions) *can* serve to describe Jones' action, contrary to my contention, since Jones caused the suicide and there is *a* way of describing Jones' action in terms of (8). Reformulating (a) and (b) above, we can describe Jones' action as:

- (10) the action which resulted in Smith's wife's suicide;

or

- (11) the action which caused Smith's wife to commit suicide and Smith's children to be orphaned.

But the formulations in (10) and (11) provide ways in which Jones' *original* action can be redescrbed. I have not claimed that the terms in (8) and (9) cannot *enter into* further redescrptions of Jones' original action. They can and do enter into such redescrptions, but they are not *themselves* descriptions of Jones' original action. The claim I am making here is that (8) and (9) cannot be descriptions of any action which *Jones* performed, although they may be caused by Jones' action and may enter into a redescrption of Jones' action in the ways indicated in (10) and (11).

To clarify this point further, let us note again the claim that (8) and (9) are *logically* precluded from being Jones' action. The principle being employed here is that (8) and (9) are descriptions of a state of affairs which comes about by dint of Smith's *wife's* action, that is, the action of another agent acting intentionally. The intervention of another agent acting intentionally renders the second action performed the action of the second agent. It does seem clear that there are *two* intentional actions in the case I have described: the action of the murder of Smith by Jones; and the quite distinct action of Smith's wife committing suicide. Even if the first action can be said to have *caused* the second, or to have been a causally relevant factor in the performing of the second action, it does not follow that the *agent* in the first action is the agent in the second. Now it might be argued that the "intervening agent principle" is not a sound principle and should not be adopted. In other words, the objection would run, it is not the case that the claim "A did X" is

defeated simply because "B intentionally did X" is true. But, in the case at hand, if we ask "Who performed the action described as 'Smith's wife's suicide'?" the answer can only be "Smith's wife." If Smith's wife intentionally committed suicide, then the act of suicide is *her* action and not that of Jones. And the action of Smith's wife committing suicide is the action described in (8): it is an additional intentional action to the one which Jones originally performed, even though Jones' original action may have been causally efficacious in bringing it about.

The problem here is, in fact, a special case of the more general problem of criteria or conditions of application for the expression "A did X" in instances where the consequences or results of an action are candidates for answers to the question "What did A do?" I have suggested the "intervening agent principle" as a sufficient condition for defeating the claim "A did X" in cases of the above kind, where "B intentionally did X" is true. It is important that the cases be of the above kind, in relevant respects, since there are other kinds of cases in which the truth of "B intentionally did X" does not defeat the claim "A did X." For example, the claim "B felled the tree" does not defeat the claim "A felled the tree," since they may have felled the tree together. Also, the claim "Mother spanked Johnny" does not defeat the claim "Father spanked Johnny," since both may have spanked Johnny as independent actions. Finally, the claim "Smith built the house" is not defeated by the claim "The bricklayers, masons, carpenters, *etc.*, built the house," since the senses of 'built' are somewhat different in the two claims. But the case we are discussing, concerning Jones' murder of Smith and Smith's wife's suicide, is not a case similar to the ones in these examples, and I think the differences are obvious. The "intervening agent principle" is meant to apply to the Jones-Smith type of case and not to the other kinds of examples.

If we do not use the "intervening agent principle" we may have no other principle readily available for defeating the claim "A did X" (for any event in a causal chain A has started) except that of spatial or temporal proximity; and these do not seem to do the job in a way that is either consistent or complete. I have indicated that the Jones-Smith case is a special case of that general problem concerning later events in a causal chain. The reason, then, for adopting the "intervening agent principle" is based on the undesirable consequences of *not* having such a principle, since we certainly do not wish to claim that if A did something which started a causal chain of events, then A *did* everything in that chain. That is, if A performed the first action in a causal chain, it does not follow that a description of every subsequent event in that chain can be counted as a description of A's original action, especially where we are concerned with moral evaluation of the action. If this view is plausible, then the action described as "Smith's wife's suicide" or "the orphaning of Smith's children" is not *Jones'* action, although it may be a consequence or result of Jones' action, caused by something that Jones did.

In light of these general considerations, there are some specific replies to Mr. Allen's objections. First, it should be noted that there is an important distinction to be made between human agency and physical agency (say, of

the bullet which pierced Smith's heart). I think Mr. Allen obliterates that distinction in several ways. He claims that in killing Smith, "both Jones and the bullet have their role to play, and the action of the bullet is an integral part of Jones' 'larger' act." But surely, if the question is "Who killed Smith?" the response is: "If *anyone* killed Smith, Jones did it." The important issue here is that of *human* agency. The sense in which both Jones and the bullet have their roles to play is different from the sense in which two human agents have their roles to play. It is true, as Mr. Allen claims, that the action of the human agent and the action of the bullet are not incompatible. But the differences in the notion of action – as that notion applies to human beings and as it applies to inanimate objects – are crucial differences. In regard to human agents, we are concerned with their *intentional* actions, while with inanimate objects this is clearly not the case.

A further instance of Mr. Allen's obliteration of this distinction occurs in his remark: "In the present case, Jones is as surely using Smith's wife as an instrument of her own death as he used the bullet as an instrument of Smith's death." But certainly there is an important difference here. Smith's wife is another human being, acting intentionally, while a bullet can play no such role in action. It is here that Mr. Allen goes on to note that "no logical difficulty has yet been shown to exist in saying that Jones brought about Smith's wife's suicide in the same way that he brought about the action of the bullet in piercing Smith's heart." But the logical difficulty *does* exist, as soon as we examine more closely the concepts of action and agent in human and non-human contexts. If a human agent performs an intentional action there is a clear and uncontroversial sense in which he is not the "instrument" of another person's action. This point becomes clear and morally relevant when we reflect that in some cases (those of actions under threats, duress, or other coercion) a person's role *is* that of an instrument of another agent acting intentionally. Surely we need to distinguish those cases in which a person acts deliberately and intentionally, from those cases in which a person is a mere "instrument." Contrary to Mr. Allen's claim, it is *not* the case that Jones brought about Smith's wife's suicide *in the same way* that he brought about the action of the bullet in piercing Smith's heart. Smith's wife was an intervening agent, acting intentionally, while the bullet was not.

Finally, Mr. Allen notes that I specifically divorce considerations of responsibility from my argument and that, as a result, I cannot employ a defense in terms of "a free choice involving personal responsibility." But there is an ambiguity here. The notion of responsibility is ambiguous as between (1) *moral* responsibility (assignation of praise or blame); and, (2) responsibility in the sense of "*he* did it" (attribution of agency for an act). The considerations of responsibility which I attempted to divorce from the argument about redescribing actions are those of *moral* responsibility (sense (1)). For I think it can be maintained that Jones *is* morally responsible for those consequences of his action described by (8) and (9), even though, as I have argued, not he – but Smith's wife – was the agent. But it does not follow that we can divorce considerations of responsibility in sense (2) – the sense in

which attributing responsibility answers the question “Who performed the action?” (*i.e.*, “Who was the *agent*?”) That is, a person can be *morally* responsible (sense (1)) for an action or a state of affairs in which he himself was *not* the agent (and, hence, was not responsible in sense (2)). The reason, then, that Smith’s wife’s suicide cannot be considered Jones’ action is that she, not he, was the agent and she was responsible in the sense that answers the question “Who performed the action of suicide?” But this does not preclude the fact that Jones is morally responsible for her action, since his earlier action (killing Smith) helped to bring about her subsequent suicide.

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