Shooting, Killing, and Dying

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I

There was a duel at dawn between A and B. A shot B, who lingered on until dusk of that day, and then died of his bullet wound. Certain background conditions are satisfied (it doesn't matter now what they are) which make it right to say not just that A caused B's death but that he killed him. So, A shot B and killed him. This seems to be structurally different from 'A shot B and he kicked him', but what is this structural difference? How does the shooting relate to the killing?

Conflicting answers to this question are plausible.

On the one hand, at noon on the fatal day B is still alive; so he has not yet been killed; but he has already been shot; and so his being shot is distinct from his being killed, and therefore A's shooting of him is distinct from his killing of him.

On the other hand, it seems wrong to say that A performed two distinct actions with regard to B—shooting him and killing him. If A dropped dead (with a bullet from B's pistol in his heart) just as his bullet entered B's body, it would be clearly wrong to say that later in the day A did anything to B; and yet we could still argue that by noon has not yet been killed although by dusk he has been.

There is a small tangle here. In the fine presentation of the problem by Judith Jarvis Thomson, all the materials for a definitive solution are presented.[1] Indeed, Mrs. Thomson actually states the view which, I shall argue, solves the problem; but unfortunately she introduces it with the operator 'It would be merely fanciful to say that. . . '.[2] I shall argue that it is not fanciful at all.

The solution I shall defend is as follows. A performed one action with regard to B: at dawn, when it was performed, it was a shooting; and it became a killing at dusk, when B died.

Mrs. Thomson is surely right in saying that there is no short, fully satisfactory answer to the question 'Precisely when on the fatal day did A kill B?'[3] The answer 'At dawn' suggests that B died at dawn; the answer 'At dusk' suggests

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[1] Judith Jarvis Thomson, 'The Time of a Killing, *The Journal of Philosophy* 68 (1971), pp. 115–132. I have been helped by Mrs. Thomson's comments on an earlier version of the present paper.

[2] Ibid., p. 132.

[3] Ibid., pp. 122–123.

that at A did something at dusk; and no other short answer is even a starter. But that does not imply that our notion of the time of a killing is rendered loose or hazy by the time-lag between the initial action and the resulting death. Nor do I infer—as Mrs. Thomson seems to—that in answering the above question we must present the facts in terms of movements and causes, not using 'kill' or any of its cognates. We may answer in that way, but we do not have to, for we can instead say: 'A performed at dawn an action which at dusk became the killing of B.'

Of the proffered shorts answers to the question 'When on the fatal day did the killing occur?', the answer 'At dawn' might be less misleading and could be absolutely correct. It may be that the questioner knows that there was an action which has come, by the time of his asking the question, to qualify as a killing of B; he has the action in his ontology under that description; and he is asking when that action occurred. In that case, the right answer is 'At dawn'. Of course, if one thinks that the questioner may not know that B took hours to die, and one wishes to guard him against error about this, further explanation may be needed. I don't contend that the answer 'At dawn' could not mislead; only that it might not mislead and would sometimes be correct.

What was the situation at noon? Well, B was alive, and so he had not been killed. But it does not follow that the killing of B had not yet occurred. In fact the action in question —the one we refer to as 'the killing of B'—had occurred, but was not yet a killing. This mops up both difficulties: on the one hand, at noon B was still alive; on the other, at noon nothing remained to be done.

II

On this theory, the action acquires a new characteristic long after it has been completed. I distinguish (a) an action's *immediate* characteristics, which it has at the time when it occurs, from (b) its *delayed* characteristics, which it acquires at some later time.

One might wonder how an action or event could have delayed characteristics. Once it has occurred or been performed, it is all over and done with; it no longer exists, is no longer part of the world's furniture; and so—one might think—it is too late now for there to be any change in its characteristics. But that argument would be clearly wrong, as can be seen by noticing how objects can acquire characteristics after they have ceased to exist—as when a man becomes notorious after his death. This is possible because notoriety is a relational characteristic, which an object can acquire purely through alterations in other things (people). Similarly, to call an action a 'killing of B' is to say, in part, that it causes B's dying; this is a relational property of it, which it may acquire long after the action has been performed and in that sense after it has ceased to exist.

Furthermore, there are some uncontroversial examples of events' having delayed characteristics. The composer of *Parsifal* was born in 1813; so in 1813 someone gave birth to the composer of *Parsifal*; but that act of giving-birth did not merit that description until about 1880 when *Parsifal* was composed. We know about the event, and know that it did eventually qualify as the birth of the composer of *Parsifal*, and so we can properly refer to it through that description. But it didn't merit that description when it occurred; and this could be made explicit if the need arose.

III

Sometimes we have a description D of a particular event E, attributing to E certain characteristics of which some were immediate and some delayed. (Any characteristic's status

as 'delayed' may result from D's meaning, or be a matter of fact about E, or be borderline between those two. It doesn't matter.) If D does not explicitly separate the immediate from the delayed amongst the characteristics it attributes to E, we can replace it by a description D′ which does explicitly make this separation. In doing this, I shall say, we *split* the description D.

So D′ must attribute to E exactly the characteristics attributed to it by D. If the two descriptions differ in logical force, it is because D′ implies of some attribute of E that it was delayed, while D merely implies that E did have that attribute at some time. And the two may have exactly the same logical force, differing only in that D *implies* whereas D′ *explicitly states* that a certain characteristic of E was delayed one.

There is sometimes a certain indeterminacy in the notion of 'the time when the event occurred'; and even when something clearly is a delayed characteristic of an event, the delay may be so brief as not to merit attention in any normal context. But I am merely explaining how to perform a split in cases where there are delayed characteristics and one does want to say explicitly what they are.

IV

Here is a simple example. At a certain time, Smith was (D)

submitting the winning entry

in a poetry competition. If the competition was not corrupt, we can split this by saying that Smith was (D′)

submitting the entry which later became winning;

and this can be modified to yield the more idiomatic '. . . which later became the winning one' or '. . . which later won the competition'. In this example the split goes especially smoothly, because D has the form 'Verbing the Adjective Noun', with the adjective expressing all and only the delayed characteristics; so that the split can be performed simply by substituting (D′) 'Verbing the Noun which later became Adjective', and then rewording slightly to keep it colloquial.

Splits can be more complicated than that. For example, (D) giving birth to the composer of *Parsifal*' splits into (D′) 'giving birth to the child who later became the composer of *Parsifal*'. Here, D does not contain an adjective expressing all and only the delayed characteristics of the event. Still, things are not too bad; for there is a noun phrase which expresses the delayed characteristics and no others, so we can split (D) 'Verbing the Noun-phrase' into (D′) 'Verbing the Noun-phrase′ which later became Noun-phrase', leaving the verb untouched. We shall come to still trickier cases in a moment.

In both those examples, an event acquires a characteristic because it involves an enduring object (a poem, a person) which acquires a characteristic. This is not the only way it can happen, however. For example, (D) *uttering a famous insult* will ordinarily be (D′) *uttering an insult which later becomes famous*. In such a case, what becomes famous is not an object (the sentence) but rather an action (the insulting, the uttering of the sentence in certain circumstances). Incidentally, I see no significance, for present purposes, in the fact that that example involves an indefinite rather than the definite article.

V

I am now placed to slide quickly from my examples back. to my main topic. A *famous insult* is relevantly like a *fatal shooting* which in turn is relevantly like a *killing*. Just as an insult becomes famous through becoming widely known and talked about, so a shooting can become fatal through a

death's arising from it; and so someone's performing (D) a fatal shooting can be his performing (D′) a shooting which later became fatal. This may sound slightly odd or strained; but I contend that there is no error in it, and that it shows how the occurrence at dawn of a fatal shooting can involve the world at dusk as well as at dawn.

Now consider the description 'a killing', as applied to the case described at the start of this paper. Here the split is even less mechanical and straightforward, because the elements we want to separate—the immediate part pertaining to dawn and the delayed part which became true of the action only at dusk—are embedded in the single word 'kill'. But here again the split can be made accurately and helpfully, even if with some violence to colloquial naturalness.

It won't do to replace (D) a *killing* by (D′) a *killing of someone who later died*. That, among other defects, does not give a clean split—it masks the fact that 'kill' itself pertains to dusk as well as to dawn. We could replace D by (D′) a shooting of someone who later died. That splits cleanly and in the right place, and it fits the facts of the case as presented. But it does so by eliminating 'kill' and its cognates entirely, whereas we want t make the split while keeping 'kill' at work. Also, although in our example A did kill B by shooting him, we are trying to devise a split of (D) a *killing*, not of the more specific a *killing by shooting*. It must be remembered that D′ is to attribute to the event only characteristics which D attributes to it, differing at most in what it implies about *when* certain characteristics came to apply to the event. So we cannot allow a D′ which implies that B was shot, when D does not imply this.

The right way to split (D) a *killing*, as applied to our original case, is to replace it by (D′) an *action which later became a killing*.

This is not fanciful. It is perhaps a little strained; but I have tried to show that this is a kind of strain which is present in lesser degree in other, less controversial cases of splitting. The aim of the examples is to create a presumption that the unnaturalness of 'an action which later became a killing' results from superficial and accidental features of our language, and that it is not evidence that that splitting of 'a killing' is incorrect. We might well have had, instead of the substantive 'killing', only the noun-phrase 'killing action', this being grammatically like 'fatal shooting'. Then we could, with no strain or unnaturalness, split (D) 'a killing action' into (D′) 'an action which later became killing'.

Davidson has argued persuasively that statements about actions and events have an underlying form expressible in quantifications over events.[1] For example, 'Brutus stabbed Caesar with a knife' is argued to have the form '(∃x)(x was a stabbing & x was by Brutus & x was of Caesar & x was with a knife)'. If this view is correct, as I suspect it is, then splitting becomes boringly simple in all cases. For example, '(∃x)(x was by A & x was of B & x occurred at dawn & x became a killing at dusk)'.

VI

Mrs. Thomson says that the 'fanciful' view here defended 'would be a misleading fancy in any case,. . . for while A is shooting B he is killing him'.[2] I contend that if as A is shooting B someone says 'A is killing B', and in fact B does

[1] Donald Davidson, 'The Logical Form of Action Sentences', in N. Rescher (ed.), *The Logic of Decision and Action* (Pittsburgh, 1967); and several other papers. [By the time when this paper was added to the earlymoderntexts website (2011) its author no longer found this work of Davidson's 'persuasive'. See Jonathan Bennett, *Events and their Names* (Hackett, 1988), chapter 11.]

[2] Judith Jarvis Thomson, op. cit., p. 132.

not die until several hours later, then what the speaker says is false. As we look back on the situation with the aid of hindsight, we may not be struck by the falsity of the comment that as A was shooting B he was killing him, because we know that what A was doing did eventually become a killing of B. This is like our acceptance of 'As the French fleet approached, Nelson was sending his famous signal', even though we know that at that time the signal was not famous.

The briefer the delay between the shooting and the dying, the feebler will be our sense of the falsity of the comment that as A was shooting B he was killing him. If the delay is brief enough, the comment becomes not merely passable but true; for otherwise we should be trapped in a present in which nothing could happen because it had no duration. For example, by strict enough standards we can say that A's trigger-pulling became a B-shooting, this being a delayed characteristic of it, and that while the bullet was in the air A had shot at B but had not yet shot him. But this delay is too short to be worth mentioning in most normal contexts, and some delays are too short to be worth mentioning in any normal context.

As well as the brevity of the delay between shooting and dying there is a related parameter, namely the degree of inevitability, at the time of the shooting, that B will die as a result of being shot. In proportion as one is confident that B will die of being shot, one is likely to tolerate 'A is killing B'; and it may be that if one is entitled to complete confidence (i.e. if it is by ordinary standards inevitable) that B will die as a result of being shot, then the comment 'A is killing B' will be not just tolerable but actually true. Similarly, as Mrs. Thomson has pointed out to me, a wound can be 'fatal' at the time it occurs, if it is certain to lead to the victim's death; and the same may be true of a shooting's being 'fatal,' despite my previous implication to the contrary.

But mere inevitability-of-upshot, without brevity-of-delay, will not make it true (and to many ears will not even make it tolerable) to say that as soon as A has shot B he 'has killed him'. This is because we have no firm obstacle to the move from 'A has killed B' to 'B has been killed' and thence to 'B is dead'. There is, admittedly, a rather florid usage in which one may say something of the form 'A has killed B' although one knows that B is still alive. Mrs. Thomson calls this 'the "Hollywood" use of language';[1] I have found examples of it in a bad poem by Browning and (used in a moment of high excitement by one of the characters) in a fine chapter by Tolstoy.[2] I agree with Mrs. Thomson that the usage in question is an extravagance: while B is alive it cannot be strictly true that anyone has killed him.

If A shoots B at 8 a.m., and B is certain to die as a result at some time between 8:02 and 8:03 a.m., then it may be literally true that as A is shooting B he is killing him. And if in this case we ask about the situation at 8:01 a.m. we have the sort of difficulty to which Mrs. Thomson has called attention: we want to say both that A has killed B (because he was killing him and has finished) and yet that B has not yet been killed (because he is still alive). This is a situation for which we are not fully conceptually fore-armed; but, as usual when we are not fore-armed, this is because we haven't much need to be. Just because the interval between the shooting and the dying is brief, there will usually be no occasion for seeking correct descriptions during that interval; and only philosophers will care much, later, about the question of what description would have been correct between the shooting and the dying.

[1] ibid., p. 120.

[2] Robert Browning, 'Incident of the French Camp', last stanza. Leo Tolstoy, *War and Peace*, Book IV, chapter 5.

VII

I have just three more remarks to offer.

(1) Mrs. Thomson discusses the question of when the killing of B ended. I say that it ended when the shooting of him ended, whenever that was. Similarly, the (obstetrical) delivering of the composer of Parsifal ended whenever the delivering of young Richard Wagner ended, on a day in 1813; and not, of course, in 1880.

(2) Davidson says: 'Hamlet, in killing the king, avenges, among other murders, his own.'[1] This seems right. The king did murder Hamlet, and he didn't get away with it: vengeance was exacted, and Hamlet exacted it. But Davidson goes on: 'This he could not do if he had not already been murdered.' I agree with Mrs. Thomson in being reluctant to swallow the idea that Hamlet fought a whole sword-fight after being murdered.[2] What, then, are we to say about this case? I say that Hamlet avenged several actions by the king, including one which was already an attempted murder and which would later become a murder of Hamlet. So, the action was available as a possible object of vengeance, and yet, Hamlet had not yet been murdered and so could be the avenger. If we must pin it down very hard, then at the time of Hamlet's stabbing the king, Hamlet's murder had occurred but Hamlet had not yet been murdered; but of course this sounds most peculiar, and it would be absurd to offer it without an accompanying explanation—namely that an action had occurred which would later become the murder of Hamlet.

(3) Legal procedures confirm my account. A shoots B and is charged with assault; then B dies and the charge is altered to one of homicide. This is because what A did has *become* homicide. There is a law against a certain class of actions which is partly defined by the relational property of causing-a-death; and A's action, although completed before even the first charge was laid, has acquired that property and thus come to fall under that law. The fundamental logic of this is the same as in a case where I am charged with keeping an animal which is a nuisance, and then—under a different law—with keeping a dangerous animal. because my dog's character has deteriorated: it was a nuisance but has become a danger. Similarly, what A did was an assault, and has become a killing.

[1] Donald Davidson, 'The Individuation of Events', in N. Rescher et a. (eds.), *Essays in Honor of Carl G. Hempel* (New York, 1970), note 16.

[2] Judith Jarvis Thomson, op. cit., p. 120.