INTRODUCTION

In what follows I come up with a definition of “an action” that is the core of one account of the concept of action. The account will not be unfamiliar; it is presented here as an alternative to that which Michael Moore presents in Act and Crime. I shall show that Moore can accept my proposed definition, which indeed fits neatly with some of the pieces of his own account, and that he has nothing to lose from endorsing my account, which is capable of doing all the work that he asks of his own. In a sense, then, my project is conciliatory. I do not expect to win Moore’s immediate agreement, however, because his account incorporates a number of claims that my alternative shuns. I shall argue that these additional claims of Moore are the products of a pervasive confusion, and of a spurious reductionism.

I proceed by tracing a rapid and rather devious path through Act and Crime, looking at ten topics in turn. My intention is to steer such a course that the definition of “an action” that I favor emerges from points that Moore and I agree about, and such a course that areas left dark by Moore become illuminated in the setting of the familiar account. In an Appendix, I respond to the criticisms that Moore makes of my own position in the philosophy of action.

I. BASICNESS

The thesis of chapter 11 of Moore’s book, announced in its chapter title, is “the identity of complex actions with basic acts.” This is puzzling. Assuming, as Moore does, that what is basic is not complex, it is very obvious that no complex action is the same as any basic one. The identities actually defended in chapter 11 are those approved by proponents of the so-called coarse-grained account of actions’ individuation. Moore rightly puts me on the
list: like Moore, I think that when Smith kills Jones by moving his finger against the trigger, for instance, the action that is Smith's moving of his finger against the trigger is the same as that which is Smith's killing of Jones. But I could not think this if I wanted to say, as Moore does, that Smith's killing of Jones is a complex action, while Smith's moving of his finger is a basic one.

Moore had plans to avoid the inconsistencies that his claims of identity bring. A footnote early on in Moore's book states that "in Ch[apter] 11 ... [t]he basic/complex distinction ... becomes a distinction between two sort [sic] of description of acts, not between two sorts of action." This statement does not take away the puzzle, however. When Moore introduces the distinction, he is very insistent that it is a distinction among actions; if it really were to undergo a change, we should expect to be aware of this when it happens; yet we read in vain to discover the transmutation. In any case, the announced change in the distinction is not all that is needed to remove Moore's inconsistencies. However the term "basic" works, it cannot straightforwardly apply to any item that "complex" also applies to, given that no basic item is a complex one; it makes no difference to this point what sort of items are meant to be basic.

I think that Moore's footnote is symptomatic of difficulties one is bound to meet if one tries to adhere to treating a basic/nonbasic distinction as a distinction among actions. It is not that Moore's distinction is required somehow to turn into a different one, but that "basic" should not have been supposed to apply to particulars (to events, to actions) in the first place. Moore ought never to have arrived in a position from which it follows that m which is basic is

See id. at 280-92. My use of "action" is different from that typically employed in everyday English for either of "act" or of "action." Nonetheless "action" strikes me (perhaps in consequence of the part it has played in the philosophical literature) as the better candidate to mean something which we do well to find a single word for.

In Act and Crime, Moore uses both "action" and "act" frequently, and apparently quite unsystematically. His use of "act" both for particulars and for things of a quite different sort fuels the confusion I expose below. See discussion infra notes 10-13 and accompanying text.

4 See id. at 280 n.1 (listing "course-grained" theorists).
5 Id. at 79 n.5.
6 See, e.g., id. at 81 ("There is no type of act that is basic; only particular acts.").
7 If the distinction does change, it is not in chapter 11 that it does so since basic descriptions were introduced earlier. See id. at 169 (noting that a "basic description ... ascribes only the property of bodily-movement-caused-by-a-volition").
the same as \( k \) which is not basic.

To appreciate what Moore's distinction really is, it is best to set aside the technical "act-types" and the formal "descriptions," in order to be able to say in ordinary terms what basicness is about. Thus, the thought that we "simply" raise our arms\(^8\) or that we raise our arms "just like that" captures the idea that there is nothing else we do by doing which we raise our arms:\(^9\) raising one's arm is usually basic, because it is something one usually does not do by doing something else. "Being basic" then appears to be a property of things we do.\(^{10}\)

Moore takes "being basic" to be a property of actions because he confuses these with things we do: he confuses what he calls particular acts with what he calls types of act. He speaks of acts (where I have spoken of things we do), and he assumes that a

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\(^8\) This "simply" is presumably what induces Moore to use "complex" for the nonbasic side of the basic/nonbasic distinction. The terminology is undesirable (apart from its unfamiliarity) for two reasons: (1) it carries a suggestion that "complex" things have parts that basic things do not, which is not the case (not even on Moore's view); and (2) it distracts us from the fact that "basic" behaves as a sort of superlative, best understood in terms of a relation "more basic than." See, e.g., id. at 102 (arguing that at a certain point "there is no simpler or more basic action" by which a movement is performed); see also discussion infra app.

\(^9\) I use "in order to" and "by" indifferently here, because I am not concerned with the details but am trying only to convey the basic idea. Different conceptions of basicness can be distinguished; the difference between "in order to" and "by" can play some part in distinguishing a teleological from a purely causal one. In fact, "intentionally" is needed for the intuitive teleological notion. See discussion infra app.

\(^{10}\) Things we do correspond one-to-one with descriptions of actions (at least if it is allowed that acts can be typed as finely as descriptions of actions can be distinguished).

I think of the phrases we use to speak of things we do as infinitival. Here's a route to thinking of them this way. First consider a certain use of the standard infinitive: "What she did was to raise her arm." Then notice that the "to" can be lost: "Raise her arm was what she did." Then realize that a difference of aspect can be recorded without any fundamental change: "Raising her arm was what she was doing," and "Raising her arm was what she did." Occurrence of the "-ing" form, both in these (last two quoted) sentences and in genuine action-denoting nominals (like "her raising of her arm"), has helped to fuel the confusion of things done with actions. See supra note 3, and infra notes 11-12: "[R]aising her arm" is wrongly supposed to be just shorthand for "her raising of her arm."

The question of the interpretation of "what she did," and of phrases that specify what someone did, is more complicated than this little account allows. For one thing, the idea of relativization, which I introduce below to explain "basic," needs to be deployed more widely.
particular act is an item in a category of events. But calling something that someone does "a particular act" cannot turn it into an item that is a particular. The acts, or things, that people do plainly are not particulars. Raising one's arm is one such thing; it could hardly be a particular, being something that any number of people can do, and something that anyone can do any number of times. "Raising one's arm" does not denote any event. What occurs at a time is someone's raising of her arm. A person's doing something, not the thing she does, is the unrepeatable item—the

11 For example, Moore says: "Raising my arm is usually a basic act I do." MOORE, supra note 1, at 81. The "usually" makes it clear enough that "raising my arm" here is not true of any particular (although I think myself that "raising my arm" never applies to a particular in fact). Cf. supra note 10. A couple of sentences later, however, Moore takes it to be referring to a particular. See MOORE, supra note 1, at 81 ("There is no type of act that is basic; only particular acts. The identity claim is thus that any particular basic act is identical to some bodily movement."). This is just a solitary example, taken from hundreds, of Moore's confusing usage.

12 By "item that is a particular" I mean, roughly, something in the category of nonabstract entities, which are occupants of the spatiotemporal world. Items outside this category can be particular (that is, certain) items in some category of non-particulars.

Those who believe in tropes, as Goldman does, see Alvin I. Goldman, Action and Crime: A Fine-Grained Approach, 142 U. PA. L. REV. 1563, 1567-69, 1582 (1994), will take the phrase "a particular arm raising" to refer to a trope, and they will dispute my claim that particulars are not referred to by such phrases. It is a matter of controversy whether good sense is to be made of tropes. (For some misgivings about tropes, see Chris Daly, Tropes, 44 PROC. ARISTOTELIAN SOC'y 253 (1994) (arguing that trope theory has no advantages over the theory of universals).) What ought not to be controversial, as Goldman's article makes abundantly clear, is that if there are tropes, then a fine-grained account of their individuation is appropriate. My criticism of Moore is directed against his assuming both that "particular acts" are events (for which, we agree, a coarse-grained account of individuation is appropriate), and that "particular acts" can be singled out as Moore singles them out (by writing "particular" in front of the name of a universal).

13 There is a notable absence from Moore's book of phrases that denote the unrepeatable items, the particulars. In a way this absence is explicable: action-denoting nominals occur very rarely in ordinary talk. Moore fails to appreciate this; rather than write in the slightly extraordinary way that is necessary to make the distinctions and achieve the precision that theoretical work demands, Moore writes in a not strictly intelligible way—as if all sorts of other phrases, which actually have a quite different semantic role, could do for him what these (rare) nominals do.

A further source of the confusion between items which are particulars and items which are not is Moore's taking sentences to refer to actions. For instance, "I moved my finger yesterday" refers to a particular act of finger-moving that I did at a particular time." MOORE, supra note 1, at 80. Here as elsewhere, Moore means an action by "particular act of finger-moving." It is evidently compatible with the truth of "I moved my finger yesterday" that there were in fact ten thousand events yesterday (when I was typing) of each of which "my moving of my finger" is true. Suppose I specify one of these ten thousand and call it Moo. Nothing could possibly
event (the item of the sort about which questions about individuation get asked).

In order to settle a question in a particular case about which of the things then done was the basic one, it has to be known what was actually done by doing what else in that case. So we have to acknowledge that things done are not basic tout court. This is why one has to say that raising one’s arm is usually basic. In the unusual case in which someone raises her left arm by lifting it with her right arm, there is something else she does by doing when she raises her left arm, so that raising the left arm is not then the basic thing. This shows a need to relativize the application of “basic” to particular actions. But it does not show that actions are what “basic” applies to. “Basic” applies, on any occasion (relative to the action there was on that occasion), to that thing, among those that the agent did then, which she did otherwise than by doing something else. And any thing to which “nonbasic” then applies is of course a different thing that she did. (Or, using “act” for what is done: any nonbasic act is different from the basic one.)

ensure that the sentence “I moved my finger yesterday” referred to Moo, or that it referred to any of the other nine thousand nine hundred and ninety-nine candidate events that I might have designated instead. And even if I had moved my finger only once yesterday, the sentence could not refer to the event whose occurrence then made it true. Reference is a rigid relation; but a sentence actually made true uniquely by Moo might have been made true by a different action.

There is a notion of a basic capacity, of what someone basically can do. When this is introduced, we may speak of things as basic for a person with a particular repertoire of movements, now not relative to a particular action. An idea of what is basic tout court might then be got out of the idea of what is basic for any nonincapacitated grown-up human being.

When Moore suddenly applies “basic” to descriptions, see supra note 5 and accompanying text, he speaks as if every bodily movement description were a basic one despite his having said that raising the arm is usually basic. He has come to neglect what I call the relativity of predications of “basicness.” The point about relativity is that one has to have particulars and things done simultaneously on the scene if one is to understand basicness. Moore's failure to understand this can explain his thinking that a distinction between actions “becomes” a distinction between descriptions: first he hoped to understand it attaching to particulars in isolation, then to descriptions in isolation.

In my treatment in Actions, see Jennifer Hornsby, Actions 70 (1980), to which Moore refers, I had “more basic than” as a relation between <action, description> pairs. In Actions and Abilities, see Jennifer Hornsby, Actions and Abilities, in LANGUAGE, LOGIC AND PHILOSOPHY 387, 388 (Rudolf Haller & Wolfgang Grassl eds., 1980), I used <thing done, action> pairs (which, in its avoidance of the formal mode, may be suited to capture various intuitive notions). Given that the same action recurs in each pair that is ordered by the relation, a treatment of “more basic than” as a relation between things done relative to an action now seems to me better.
II. INDIVIDUATION

When it is understood how "basic" works, "basic" can be used in asking questions about actions' individuation. The central question at issue between proponents of so-called coarse-grained and fine-grained accounts is whether a person who does two things, where one is less basic than the other (so that she does the one by doing the other), is thereby the agent of just one action. If this were a question about the things the person did, then the answer would plainly be No: one thing a person did is not the same as another thing she did. A proponent of the so-called coarse-grained view does not advance Moore's absurd claim—that various different things done by a person are identical—but the claim that where a person does one by doing another, her doing the one is the same as her doing the other.

Defenses of the fine-grained account have relied to a great extent upon the confusion of the things we do with our actions. What Moore's work demonstrates is that if one does not mind the contradictions, then the confusion can be combined with the coarse-grained account.

Of course Moore is not alone in making the confusion. And

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16 "Is thereby the agent of" is an example of the slightly extraordinary way we have to speak if we are not to confuse what we do with our actions. Cf. supra note 13 and accompanying text. A person's relation to what she does is expressed by "do"; whereas her relation to her actions is expressed using a genitive. Taking an action-denoting phrase to have the form "A's X-ing," the question whether "the person is thereby the agent of just one action" is such a question (schematically) as whether "A's X-ing is A's Y-ing." (Here and throughout, in notes and text, I use "X" and "Y" as schematic letters, intended instances being (possibly complex) verbs.)

17 At least this is how defenses of the ultra-fine-grained account strike me. See, e.g., Goldman, supra note 12, at 1571-72. I largely agree with the points that Moore makes about date and tense in offering objections to the fine-grained but not the ultra-fine-grained account. See, e.g., IRVING THALBERG, PERCEPTION, EMOTION AND ACTION: A COMPONENT APPROACH (1977); JUDITH J. THOMSON, ACTS AND OTHER EVENTS (1977). But I think that his confusion leads him to make some needless concessions to those who defend that account.

18 I think that nearly everyone who writes in the area sometimes talks in ways that partake of the confusion; but it is only when these ways of talking are used in the formulation of crucial theses that we are actually led astray. Even Davidson, who more than anyone else is responsible for encouraging us to focus on the particulars, goes in for the confused way of talking, taking "primitive" (his version of "basic") to apply to actions. See DONALD DAVIDSON, Agency, in ESSAYS ON ACTIONS AND EVENTS 45, 49 (1980). I know what Davidson meant when he said there that all we ever do is move our bodies, and I think that what he meant is true (given the odd qualification, which we can all agree about). But I don't think that what he said is literally true.
of course he does not always make it.\(^\text{19}\) (If he were always to make it, he would be unable to recognize actions as items in a category of particulars or of events.) On almost every page of *Act and Crime*, however, Moore uses some phrase to speak of something someone did, and forthwith takes himself to have referred to a particular. In the area of “basicness,” it is evidently important not to do this, because of the readiness with which contradictions flow. But the distinction between the particulars that are actions and the things that people do is the crux of the account of individuation that Moore accepts, and it must be resolutely maintained in all areas.

### III. ACTUS REI

The example in Part I showed Moore’s confusion operating in two different directions. On the one hand, it led him to apply the predicate “basic” to actions when it does not properly apply to them. On the other hand, it led him to refuse to apply the predicate “basic” to things done when (relative to actions) it does properly apply to them. A further example of the confusion’s operating so as to obscure things done is shown in Moore’s treatment of criminal liability.

Moore says that a person is criminally liable if he has “done

\(^{19}\) The places where Moore temporarily avoids the confusion are places where he is accusing his opponents of it.

Consider Moore’s handling of an objection to the identity thesis (which asserts the identity of actions with bodily movements)—the objection that says that one can do some act using any of a variety of bodily movements. *See MOORE, supra* note 1, at 90. When he first addresses the objection, his confusion is very evident. He says that the identity thesis is misconstrued, because of “the failure to restrict the acts one considers to basic acts.” *Id.* What is this supposed to mean? If in inquiring whether each action is the same as some bodily movement we have to restrict ourselves to bodily movements (which is what Moore says basic acts are), then it seems that we are allowed to consider only instances of the thesis that say that a bodily movement is the same as a bodily movement. The identity thesis at issue is more interesting than that of course.

The correct answer to the objection is that the acts to whose distinctness the objector points (which I call “things done”) are in a different category from the actions that the identity thesis is concerned with. Moore eventually gets around to this answer: he says: “The identity of act-tokens with movement-tokens is in no way affected by [an] argument against type-identities.” *Id.* at 91. The trouble is that the “act-types” Moore speaks of here are the very things that the basic/nonbasic distinction cuts across. That is, they are the very things that Moore has very recently insisted are particulars (or “act-tokens”), not “type[s] of act.” *Id.* at 81.
an act that instantiates a type of action prohibited by some statute.\textsuperscript{20} But one could just as well say that a person is criminally liable if he has done something prohibited by statute. Moore's circumlocution is seen to be superfluous when it is recognized that the things people do line up with types of action. An account of actus rei can then be rather simple. Among the things people do, actus rei are prohibited ones. Actus rei are simply a species of things done—a species determined by criminal statutes and deserving their Latin name by virtue of that.

Actually, it is not only Moore's reluctance to distinguish actions from things people do which leads him into complications over criminal liability. He wants an account of actus rei in which a general mens rea requirement, which he calls the "act requirement," is built into the idea of actus reus. He builds in one himself as a part of the circumlocutory detour through "act which instantiates a type," speaking there of types of "action," and using "action" to put the "act requirement" in place. But a mens rea requirement (if desired) could be built in without the circumlocution, by saying that an actus reus is done if and only if there is an action that is someone's doing some criminally prohibited thing. This account has the effect Moore wanted, of ensuring that the notion of "an action" is always implicit when any actus reus is said to be done.\textsuperscript{21}

Whether the introduction of "an action" actually does supply the materials needed for stating a general mens rea requirement is controversial, as Moore is aware. Sleepwalkers and people under the influence of hypnotism (for instance) may not exhibit the kind of voluntariness involved in general mens rea, but their deeds seem to be actions nonetheless. Moore's opinion is that sleepwalkers' deeds are actions only metaphorically.\textsuperscript{22} This opinion (which I return to in Part VIII below) helps to shore up his overall view that "action," in the sense of his theory, is the fundamental notion for criminal law.

\textsuperscript{20} Id. at 189.
\textsuperscript{21} Moore sometimes gets this effect (of ensuring "action" is implicit) by using "as an action." He asks, for example, "whether post-hypnotic movement with death as its consequence is a kind of killing (as an action)." Id. at 256. But there is no kind of killing that is "as an action." Rather, some killings are actions and some are not: it depends upon what else is true of them. See discussion infra app.\textsuperscript{22} See MOORE, supra note 1, at 254.
IV. ACTIONS

In Part II, I considered "the identity of complex with basic acts," and I turn now to "the identity of actions with bodily movements." This means that I address Moore's two identity theses in the opposite order from that in which he defended them. But Moore's own route through the various controversies is not a very inviting one. It is odd to think that one can know that a bodily movement was an action while not yet knowing whether, for example, someone's deliberate tearing up of a contract might also be an action. Yet this describes the state of mind of a reader at the end of part I of Moore's book, when she is meant already to have accepted Moore's claims about bodily movements, but not yet to have raised such questions as whether someone's moving her body is ever her doing something more interesting than moving her body.

Chapter I's identities being accepted, when someone X-s by Y-ing, her X-ing is (typically) the same as her Y-ing. So when an agent does something by moving her body, the event of her doing that something is (typically) an event of her moving a bit of her body. The appeal of the thesis that actions are people's bodily movings surely derives in part from the thought that it is by moving our bodies that we get done the more interesting things that we do. Actions cannot be circumscribed by reference to this thought alone, of course, because there are things people do, like blink the eyelids in the normal way, their doings of which things are not their actions. Some other element is needed.

We saw how a general mens rea requirement can be built into an account of actus rei by introducing "action" there: apparently "action" imports a psychological element. There is reason then to think that some psychological concept must enter into any definition of "an action." It is by no means a novel idea that "intentionally" must be brought in. The definition I favor, whose home is the account presented here as an alternative to Moore's, states: "There is an action if and only if there is an event of a person's intentionally doing something."
It would detract from this definition to follow Moore in his confusion between “an action” (which is defined here) and “a something” that a person does (in terms of which the definition is given). The definition can be seen to work out as it should only when distinctions are admitted between the various things an agent does when there is an action of hers. In a recent real situation, a pilot accidentally shut down the airplane’s engines. If we are to understand how his making his mistake was an action, then we have to avoid speaking as if the things he did were actions. One thing the pilot did was to shut down the engines, and he did not do this intentionally. His doing this, however, was his depressing of four levers, and depressing the levers was something that he did intentionally. For an event actually to have been an action of a person’s, according to the definition, it has to be true only that at least one of the things she did was something she intentionally did. In a more familiar but less felicitous locution: it has to be true that “her action was intentional under one of its descriptions.”

V. BODILY MOVEMENTS

We saw that insofar as a person moves her body in order to get something done, her doing something is her moving her body—usually her moving of some bit of her body, of course. The introduction of “intentionally” evidently makes no difference here: we do what we intentionally do. So the account of individuation that Moore and I agree about, in the presence of the use of “intentionally” to characterize actions, secures the identity thesis first endorsed by Moore: the identity of “actions with bodily movements.” This thesis he makes into the title of his chapter 5.

The claim Moore brings to the fore in that chapter, however, is a familiar account. Cf. infra note 27 and accompanying text.

27 One trouble about “intentional under a description” is that people no sooner adopt the locution than they talk about doing things under descriptions. Then it seems that the things that we do have various descriptions (to which “intentional” may or may not be added). The things that people do, however, do not have various descriptions: people’s actions have various descriptions, and the various descriptions correspond (one-to-one, probably) with the things they do relative to the actions. Cf. supra notes 10, 12, 14 and accompanying text. It is because those who accept Davidson’s account usually follow Davidson in resorting to the formal mode that my definition may seem unfamiliar.

28 The fact that we mention which bit of the body was moved in specifying any action contributes to the unsuitability of the generic “bodily movement” to denote an action. For more and Moore on the use of “movement,” see infra note 29.
not the identity of an action with a person's moving of a bit of her body, but, seemingly, the identity of her action with a bit of her body's moving. Since Moore denies the identity of a person's moving of her body with her body's moving (that is, he denies the identity of a making of a movement with a movement⁴), it then seems that the thesis just secured for him must be one he rejects.

(If a is the same as m₁, as Moore seemingly says, then a is not the same as her making a movement unless m₁ is the same as her making a movement.) But the inconsistency here is apparent only: in due course, Moore assures us that the identity of "basic actions and bodily movements" is a "partial identity."⁵ Using Moore's terminology, one says that an action is identical with a movement, when what one means is that a movement is a part of an action.

It is a good question why Moore should allow the name "identity" to take in the relation "has as a proper part." (Those of us who think that a nose is a part of a person are not inclined to express the thought by saying that persons are identical with their noses.) Moore appears to have two reasons for his extraordinary terminology, both connected with how he thinks about the debates. First, he wants to distance himself from those who deny that movements are even parts of actions. He speaks of "ease of exposition" as leading him to set things up as he does, thinking, presumably, that the contrast between his position and his opponents' will be clearer if he exaggerates his own, using "is identical to" for "overlaps with."⁶ Secondly, Moore wants his own thesis

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²⁹ Moore follows the use I made in Actions of subscripts to distinguish between "move" used as a transitive verb ("move,⁵") and as an intransitive one ("move,"). I carry on with the subscripts in what follows, but reading Moore has made me regret the use of "movement,⁵," which needs careful handling. There are no occurrences of "movement,⁵" here except when I am reporting Moore.

When you use "movement,⁵," you are under the impression that you are thinking about something to which the transitive verb applies (there is after all a "T" in its description); but you could be under that impression even while what you are actually thinking about is a movement, and a movement is not an event to which the transitive verb obviously applies (aside from philosophers' shorthand). An event in whose description "move,⁵" occurs is specified with, for example, "a person's moving of her leg," and it is not obvious that "movement" (in any sense) readily serves as shorthand for this. ("Moving" has a better chance of serving.) The generic "bodily" (of "bodily movement") only helps to ensure that you are not thinking of something to which the transitive verb obviously applies, cf. supra note 28 and accompanying text, so that you can be reinforced in the illusion that you are thinking about something you are not actually thinking about.

⁵⁰ MOORE, supra note 1, at 84.

⁶ Id. Moore's explication of "identity" where it is "only partial," id., has it as equivalent to "overlapping" in the mereologists' sense. I speak of Moore's meaning...
about actions and movements to be seen as showing "how [actions] are just part of the ordinary physical world": we are to find his thesis "interesting" because reductive, whereas his opponent's is "trivial" because nonreductive.

I shall come to Moore's "reductionism" at the end. As for the claim that movements are parts of actions, which gets exaggerated and expressed as a claim of identity, it is bound up in Moore with the claim that volitions too are parts of actions. Moore has different ways of saying what actions (wholly as opposed to partially) are: a "bodily-movement-caused-by-a-volition," a "causal sequence volitions-cause-bodily movement," and "volitions causing bodily movements." But however he puts it, the idea is that each action is a composite event having as its parts (1) a volition, (2) a movement, and (3) such events as mediate causally between the volition and the movement.

VI. VOLITIONS

Moore devotes a long section to volitions' various characteristics before he broaches "The Argument for Volitions." Again, it seems to me that he takes matters backwards. It is hard to engage in a discussion of something's character until one is sure

"has as a proper part" by "identical": this is in order to convey the actual claim that he expresses when he uses "identical" not meaning what the English word "identical" means.

52 Id. at 83. 
53 Id. at 169. 
54 Id. at 84. 
55 Id. at 85. 
56 At least I think that this is the idea. Moore tells us that a volition is a state, and it is unclear that an event can have a state as one of its parts. Yet Moore certainly does think of actions as events at moments when he is not telling us what their parts are; his "partial identity" claim (a overlaps with m) is of course consistent with the real identity claim (a is the same as m) that derives from a view of actions as events. Perhaps Moore thinks that a "causal sequence" is an event of a certain sort, where the parts of events of that sort need not be events.

The last paragraph of Part V does not address all of the unclarities in Moore's claims about what actions actually are. The "bodily movement caused by a volition" account of them appears to rescind the claim that the "identity" of actions with movements is only "partial," as does a remark that "[v]olitions . . . mediate between . . . motivations and . . . intentions . . . and . . . actions." Id. at 131 (emphasis added). The "volitional causings of bodily movements" specification, on the other hand, appears to interfere with the idea that movements are even parts of actions. (A causing of a fire does not have a fire as a part.)

57 See id. at 113-33. 
58 Id. at 133-55.
that it exists. And if we are meant to think that we know that there are volitions because they can be shown to be indispensable from a certain role in defining action, then we might expect our knowledge of their role to show us what their properties are. At any rate, I shall consider the argument for volitions before considering what they are supposed to be like.

The argument is driven by the thought that actions are experienced and conceived differently from movements. Moore says: "One of the keystones to thinking of ourselves metaphysically, morally, and legally is to conceive of personal agency as distinct from mere physical involvement . . . ." Indeed. This is what leads us to think that a psychological element has to come into a definition of "an action," and what has led me to introduce the term "intentionally." Moore does not consider using the adverb to define actions. But he does criticize a Davidsonian account of action, which follows naturally enough from the "intentionally" definition, and which he takes to be "truly competitive with the volitional theory." His criticism is that the Davidsonian, "belief-desire" account leaves something out and fails to explain "why actions seem so distinctive from other bodily events." In order to explain this, Moore thinks, we have to find some propositional attitude-state of the agent intermediate between her believing or desiring something and a bodily event.

50 Id. at 135.
49 Id. at 136 (referring to DONALD DAVIDSON, Actions, Reasons, and Causes, in ESSAYS ON ACTIONS AND EVENTS, supra note 18, at 3, and subsequent essays reprinted in Davidson's book). The Davidson definition of action follows from the "intentionally" definition because we see someone as X-ing intentionally where (roughly) we see her as believing something and as wanting something, so that relative to that, she is intelligibly led to X.
41 Id. at 137. Those who aspire to an analysis of action criticize the belief/desire account for failing to offer sufficient conditions of there being an action, the failure being revealed in examples of "deviant causal chains." Id. at 159. One might think that Moore wished to introduce volitions because he took an explanation of "why actions seem so distinctive from other bodily events" to require an analysis. But Moore's criticism is not that a belief/desire account fails to discover "a conceptual essence to action": he "no longer believes it fruitful to seek" such an essence. Id. at 160. And he says that "there plainly are instances of volitions (deviantly) causing movements, where those volitionally caused movements, are not actions." Id. at 161.

Of course a definition in terms of "intentionally" will seem to fall short of an analysis. The purpose of this note is to make it clear that Moore's definition is no different. (When it is acknowledged that there may be "deviant causal chains," and that "nondeviance" cannot be analyzed, it has to be allowed that no conceptual analysis of "action" is possible.)
Moore’s thought now is that movements do not spring directly from beliefs and desires. This is surely right: if an agent’s body is to move, then she has got to do something, not just to think and to want. But that only shows that we need, in addition to the idea of bodily events, the idea of a person’s moving of a bit of her body. Moore does not tell us why—once we are allowed to use the transitive verb “move,” and can speak of a person’s intentionally doing something—we are short of resources for saying how actions are distinguished from all other events. When my definition of “an action” is available, nothing compels us to think that “[b]elief-desire sets exercise their causation . . . through this concluding propositional attitude [the volition].”

If “actions” can be adequately defined in the way I suggest, volitions must now be viewed as figments, filling an imagined lacuna.

If the introduction of volitions enabled us only to say again with a new word things that we could have said before they were invented, then it would not be a source of error necessarily: volitions might be merely needless. But worse faults than needlessness could attach to volitions. If their introduction licenses new conclusions, which have to be rejected given volitions’ fictitious nature, then it is a source of error, and volitions are illegitimate. Moore’s volitions seem to me to hover precariously between the illegitimate and the needless. He has pretensions for them, and does not want us to think of them as stipulated into existence. But as soon as he gives them actual work to do, he resorts to intuitive thinking, and thus relies on what he thought he knew before volitions were introduced. I shall try to make this out by attending to volitions’ “contents,” and then to general mens rea.

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42 Id. at 138. I should come clean about the fact that I believe something similar myself: I believe that someone’s trying to do something is an event that precedes and causes the movement; that there is when there is an action of hers; and that events that are someone’s trying to do something may be said to have contents. I defend this against Moore’s criticism in the Appendix.

43 It is not clear to me how, once one has imagined the lacuna (by failing to see how it is filled by actions themselves), one can seriously think that Moore’s volitions fill it. If you manage to get puzzled about how a bodily movement, can spring straight from a belief and a desire, and you accept that a bodily movement, is not itself an action, then will it not be something “active” that you crave in an account? But “volition . . . name[s] . . . non-active mental states.” Id. at 116.
VII. Contents

Moore's own description of volitions as a species of intention (albeit, remarkably, "bare intentions") might encourage us to think that the contents of volitions can go hand in hand with what ordinarily falls inside the scope of "intentionally." Then the introduction of volitions would be conservative, as it were, enabling us to recapitulate with a new definition of "an action" what we could always have said with an old. In that case, we should say that the pilot in our example volited to depress the levers, and that he did not volit to shut down the engines. Saying such things has few attractions to be sure. But if they were meant only to record the facts of the case as we already had them, they might be innocuous. Certainly they would attribute contents to volitions that satisfy, as well as any could, Moore’s desire to specify volitions in terms of "the role they play in proximately causing bodily motions and in being the effects of both our more general intentions and the belief-desire sets the latter execute."

The contents of Moore's volitions are conceived much more narrowly than this, however. In the first place, they are bodily only: one cannot volit to depress the levers, but can volit only something relating to one's body. In the second place, "movements," alone are the objects of volitions: whereas one intentionally moves one's
finger but one's finger does not intentionally move, one volits that one's finger move rather than that one move one's finger.\(^4\) These two points place constraints on volitions beyond any given by the use of “intentionally” in the common sense scheme.\(^4\)

The constraints they place are so severe in fact that we must wonder now whether there are actually enough volitions to go round. Our capacities to affect the world by our actions demand rather little of us in the way of beliefs about how we move our bodies. When we engage in the practice of skills that require, for instance, the manipulation of things—of hammers and drills and screwdrivers if we are handy with them, or of the keys of keyboards if we are musicians or typists—it is unclear that we employ any beliefs concerning purely and simply the movements of our hands and fingers.\(^5\) And if people usually move their bodies without exercising any detailed bodily movement concepts, then someone’s voliting that a bit of her body move, thus and so (where “thus and so” tokens some detailed specification of a movement) will be rather rare.

Moore brings in a volition for each action, so that the volitions

\(^4\) See id. at 125-26.
\(^4\) Some of the constraints might seem to go away in the light of Moore’s statement that “transparent constructions can be created by volitional usages.” Id. at 125. But volitions presumably partake of the opacity of Intentional states. Cf. supra note 45. (I do not understand Moore on the subject of transparency.)
\(^5\) The question whether a belief about a bodily movement enters into a common sense psychological explanation is different from the question whether the agent possessed that belief. When you ask how I turned the pages of the book, I am capable of realizing that I used one or the other hand, and I might be able to tell from my posture that I had used my left hand. This does not seem to me to establish that it is any part of the explanation of my using my left hand to turn a page that I believed that I would turn it by using my left hand. If this is correct, then we may possess more beliefs about what we do than beliefs we use in practice. (In the argument that follows in the text, I rely only on the fact that the beliefs we possess set a limit on those we use in practice.)

Moore is aware that he had better make it plausible that our agency requires the exercise of more fine-grained beliefs about our bodily motions than we might have thought. But the examples he gives, see MOORE, supra note 1, at 153-54, focus on fineness of grain and not on bodily motions. (For instance, the declarative knowledge that a tiro tier is said to have about how a tie is knotted speaks of the tie rather than of the hands that move it.) Moore reminds us that “as skills are mastered it is often the case that conscious attention to discrete motor movements hinders rather than helps the performance of these movements.” Id. at 154. This is true: thinking about how something is done can be an obstacle to doing it; while the child who is learning a skill must attend to what she is doing, someone who has acquired the skill will not. But it seems preposterous to suppose that it follows from this that the content of the child's consciousness is given in propositions about discrete motor movements.
in his story cannot be allowed to be as uncommon as a common sense account of ourselves as agents would suggest. His volitions with their contents prove not to be mere by-products of a common sense psychological account of ourselves; they are not volitions of the merely needless sort. A question about their legitimacy is then bound to arise.

Of course there is nothing illegitimate about the supposition that there can be an account of the workings of the human motor system that mentions states embodying highly detailed information about kinds of bodily motion. Such a subpersonal account speaks of systems and subsystems and their states: it does not relate persons to contents, as an account of propositional attitudes—or an account that says what a person volits—does. In not mentioning persons, a subpersonal account prescinds from what we know commonsensically about our bodily movements. To learn it, one has to find out things about how human bodies move which are no part either of what we all know in being agents, or of what we can know in being philosophical or legal students of agency. Something we can know is that X-ing is a proper explanandum of the common sense psychological scheme only if people have beliefs in the ascription of which X-ing could be mentioned. But at a subpersonal level, there are descriptions in an account that cannot belong in any account of what people believe. Even physiologists do not know what kinds of proprioceptive information bear on the specificities of the movements that animals, including human ones, make. There is no reason to think that the informational contents of the states of the motor system they will eventually describe mesh with the propositions that figure in our homely ways of understanding one another.

51 I have introduced "to volit" as a reminder that there is a subject of any volition; by speaking always of volitions simply, Moore manages to make it seem as if these could be, as it were, free-floating states, of anything.

52 Reading physiologists' recent work on the cerebellum's role in the monitoring and production of movements, one learns how little is known about a correct subpersonal story.

53 My argument has been quick, and has not taken account of everything Moore says in defense of his position. I went for a stronger conclusion in my 1986 article. See Jennifer Hornsby, Physicalist Thinking and Conceptions of Behaviour, in SUBJECT, THOUGHT, AND CONTEXT 95-115 (Philip Pettit & John McDowell eds., 1986) (arguing against the kind of functionalism that Moore hopes to use to prop up his volitions).

Moore himself allows that "whether volitions exist is . . . very much an open, scientific question." MOORE, supra note 1, at 165. As it seems to me, it is an open, scientific question what style of subpersonal account will handle voluntary motor output. This is different from the question whether Moore's volitions exist: their
Moore means us to think that the volitions' contents are both given subpersonally, and also are contents of the sort by reference to which people can understand one another as agents. To the extent that no contents fill the bill, his volitions are illegitimate.

VIII. VOLUNTARINESS

Volitions enter into Moore's discussion of a putative problem about somnambulist behavior (and the like), which we touched on under actus rei above. On the one hand, the language of human action appears to have a use in describing the person who walks in her sleep; on the other hand, a certain defense in law appears to take hold of her behavior, a defense that says that the defendant's part in the putative crime was not the part of a genuine agent. It seems that we may be forced to say either that the deeds of sleepwalkers are not actions, or that there are actions that do not satisfy the general mens rea condition for crime. Moore thinks that volitions come in here, because he thinks that we may decide, although "[w]e at present do not know enough . . . about volitions . . . to resolve the issue definitively," that somnambulistic movements are not volition-caused and are therefore not part of actions.

We have seen already that Moore thinks that the deeds of sleepwalkers are actions only metaphorically: in fact, he suggests that they should be assimilated to inanimate happenings that are not to be "accounted for in any theory of human action." But then it appears to be a prior attitude to sleepwalkers' behavior that leads Moore to such confidence as he has that their movements are not volition-caused. Volitions now appear needless. The question about them (and a question about "intentionally" too) runs idly alongside the question whether somnambulist behavior counts as

existence requires (a) that a subpersonal account be given in a certain style, and (b) that it be continuous with a commonsense psychological one. It is against (b) that I have argued.

54 Moore takes a variety of cases. Good treatments of each will differ from one another in many details. Being concerned only with the pattern of Moore's arguments, I consider only one case and ignore the details.

55 MOORE, supra note 1, at 259.

56 Id. at 254.

57 Presumably he would say that sentences, describing what a sleepwalker did, admit of only metaphorical truth if they contain "intentionally," so that actions in my sense, not just volitions in his, are absent from what a sleepwalker does.

58 Moore concedes this when he acknowledges that the "belief-desire" theorists' opinion about sleepwalkers and the like can go hand in hand with his own. Id. at 255.
action. It is unclear in any case how we might have been supposed to get independent purchase on the two questions.

With or without volitions, Moore's line is not congenial to everyone: some people think that sleepwalkers' deeds are actions. But there is no particular difficulty about holding onto this other line. We might think that a correct general mens rea requirement should insist not just on an action, but on an action that is not in certain ways defective. Or we might state such a requirement in terms of a notion of agency, saying that we have general mens rea only when someone plays the part of a responsible agent, and spelling out why that condition fails to be satisfied where it is not. In the sleepwalker's case, we can find ourselves asking whether her "will" came into play, and our asking this can make it seem that some volitional notion is needed to understand what constitutes a legally guilty mind. But the questions we now raise about voluntariness are not questions about volitions in Moore's sense—events that were supposed to be parts of actions. In considering whether a defense of automatism is appropriate, we sometimes ask whether a person was in a position to control her movements in accord with her reason. Again this is a different question from the question whether an action occurred.

It could be simply a mistake to suppose that the concept of "action" can serve all by itself to say what is generally presupposed to criminal guilt. Certainly where an elucidation of "action" is guided by philosophical (or metaphysical) agenda, as Moore's is, it cannot be taken for granted that "action" is uniquely the concept that is foundational for criminal law. Philosophers have been concerned with actions as I define them (and as I think Moore attempts to define them) in part because they have wanted to mark out a particular class of events in order to be able to raise clear questions about the place of reasoning beings in a causal world. In marking out this class, one does not make much progress with issues about legal responsibility, because one does not introduce the resources for addressing many questions of specific mens rea. And it may be that one does not even illuminatingly circumscribe the area in which questions of criminal guilt can properly arise.

Moore cites Herbert Hart and Bernard Williams. See id. at 253. My own view, like theirs, is that "action" does have application (although we should look elsewhere for paradigm actions).

Perhaps it is not always determinate whether "is an action" applies; I am happy if it can be vague whether "intentionally" contributes to literal truth.
IX. Omissions

Even if the idea of "an action" does not provide much insight, "intentionally" can play a role in thinking about an area in which Moore draws a blank.  

The first thing to notice is that someone can do something intentionally without there being any action that is her doing the thing. In addition to "an action," then (which was defined at Part IV), we might define "an instance of action" by stating: "There is an instance of action if and only if someone does something intentionally." "An instance of action" covers more ground than "an action" because it covers such a case as a person who makes her protest by not attending a meeting. Something is done intentionally in this case, but it is not done by moving the body, and there is no event that is the person's doing it; she protests by omitting to do something she might have done (attend the meeting). This might be described as a negative action: "negative action" may apply where there is an instance of action that does not consist in there being an event which is an action.

In order to understand how the definition of "an action" using "intentionally" works, we had to notice that a person's doing one thing may be her doing another, different thing. We shall not get everything straight, unless we also notice what sort of all-purpose verb "do something" is. Verbs formed with "not" are still verbs, so that not doing something is sometimes something someone does.

We can say, for example, that something she did was not attend the meeting. Or again, if someone failed to answer a question because she thought it was a stupid one, we might say that not answering was something she did. Putting together the two points—that her

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60 I am grateful to Bernard Williams for saving me from mistakes, by discouraging me from including everything I had intended to say in this Section.

61 See discussion supra parts II and III.

62 When the things that people do are called "acts," the idea of a negative "act" has to be the idea of "a thing a 'not' gets into" (like not going to the meeting). We need to acknowledge the idea quite generally in order to understand the language of action. If we say (schematically) that there is action only if there is an event of someone's X-ing intentionally, or if we say that someone's X-ing can be the same as her Y-ing, then we have to realize that a "not" might, or might not, be present in any instance of "X" or of "Y." Whether a "not" occurs in some account of some instance of agency is quite different from the question whether there is not an action in that instance. Moore's appreciation of this is shown when he explains why a grammatical distinction will not separate acts from omissions. See MOORE, supra note 1, at 24-25. But he has a tendency nevertheless to assimilate omissions to "negative acts" (this being part of a certain more general tendency).
doing one thing can be her doing another, and that there are things people do that a "not" gets into as it were—it becomes easy to understand how there can be cases that have one hallmark of action (someone does something intentionally) but that lack the hallmark of an action (there is no event that is her doing it). Bodily movements can be absent where the phenomenon of action is present.

The absence of bodily movements is what Moore latches onto to characterize omissions, calling these the "absence of any willed bodily movements." The consequence of his account is that there are trillions of omissions on the part of each person at any moment. A good account of omissions will surely have to be more specific and avoid such multiplication. Not that a good account can confine itself to negative actions as defined above; there are many more cases of failure to do something which count intuitively as omissions than there are cases in which something, whether positive or negative, is intentionally done.

We have, then, to look further afield than "intentionally" in order to characterize omissions. But we know that the ideas needed to delineate a class of actions cannot get us very far with questions about legal responsibility. So we should not be inclined to think that those ideas on their own might fully describe omissions. When there is an action, the agent can be culpable for doing things that he did not then do intentionally, because, say, he was careless or reckless in doing them; equally when there is not an action, a person can be culpable for not doing things that he did not then intentionally not do, because he was careless or reckless in not doing them. One is sometimes held responsible for having done something one should have known one was doing; one is sometimes also held responsible for not having done something one should have remembered to do. Quite obviously "intentionally" is not the only word used in connection with human beings qua responsible agents. A correct treatment of omissions can avail itself of any of the normative notions that may attach to specific mens rea.

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63 Id. at 28.
64 This is not to suggest that culpability attaches equally to actions and omissions that are equivalent in point of causal upshot. (How we think about this other positive/negative matter will depend upon how we define omissions more exactly.)

It can be a separate question whether, as Moore plausibly thinks, consideration of the justifications given for state punishment will show that in a legal context the distinction between culpability attaching where there is an action and culpability attaching where there is an omission should be differently drawn from how it would be drawn in another context.
The point of picking on negative actions here has only been to make it clear that the psychological ideas implicit in "is an action" have application outside the class of events which they can be used to demarcate. When that is clear, a conception of "human action" that is limited, as is Moore's, to a conception of bodily motions already seems unduly limited. And when this is acknowledged, we shall notice the richness of the language of responsibility, and feel free to look for an account of omissions elsewhere than in the event-based philosophy of action that drives Moore's accounts of everything.

If "bodily involvement" is not required for "personal agency," then it is only to be expected that there may be omissions that are punishable. Punishable omissions provide a counterexample to Moore's overall thesis that "the criminal law cares about . . . no more than the bodily motions of persons." Moore concedes the counterexamples, calling them exceptions. His thought is that by treating them as exceptions, he can better attend to "the metaphysical question of what sorts of things acts [that is, actions] are."

X. REDUCTIONISM

Why does Moore attach such importance to "the metaphysical question"? Certainly it is not an unimportant question how actions are to be distinguished from other events: in fact, I suggested above that philosophers especially should be concerned with it. But why should Moore set his sights so narrowly that a satisfying answer to the metaphysical question is supposed to have been obtained when we know that actions are "no more than the bodily motions of persons?" Well, Moore's desire for a reductive thesis would account for the "no more than," and it might explain why he thinks of his project as he does. "Reductionism" is my last topic: I want to show that Moore cannot get any mileage out of it.

We encountered Moore's "reductive" thesis in trying to account for his peculiar use of "identity." The reductive thesis says that actions are "partially identical" with bodily movements, and it is said to show "how actions are part of the ordinary physical

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65 Id. at vii.
66 Id. at 89. They are said to be exceptions, see id. at 59, and this is acknowledged to be a concession, see id. at 89 (which is one of the places where Moore's attachment to the metaphysical question is shown).
67 Id. at 83.
Moore takes the thesis to separate his position from my own. But it is not obvious why I, or anyone else, might dream of denying what it is said to show. Anyone who accepts that people inhabit "the ordinary physical world" is likely to think that it need not be shown that actions are in the ordinary physical world. It seems that Moore's standard of the "ordinary physical" must be unusually exacting.

Moore evidently thinks that bodily movements have an especially strong claim to be "part of the ordinary physical world." As if to draw attention to the psychologically uncontaminated character of movements, he says that "move... is non-committal about whether the event in question [partially] is or [partially] is not an act[ion]." Perhaps his idea is that we can think of bodily movements as the kind of colorless items that even the most staunch behaviorist would acknowledge—items that would be there even if (as they tell us we may hypothesize) we were all robots. Bodily movements, then could be thought of as "parts" not only of everyone's "ordinary physical world," but also, as it were, of the mindless, exactly physical world. If concepts for colorless things could be shown to suffice to pick out all the actions, then a sort of reductionism about "action" would be established. And it would be a reductionism that lent credence to Moore's idea that subpersonal accounts are continuous with a commonsensical, personal account. But how might a reductionism about action be obtained from connecting actions with bodily movements?

There are two difficulties. In the first place, the fact (if it is one) that some bodily movements are colorless does nothing to establish that all of them are. Call movements that are related to actions (as effects, as parts, or by identity, depending on your views) A-movements; call movements that are in no way associated with actions (hands blown by the wind, or the calf in a knee-jerk reaction) C-movements. Take something that is actually an A-movement. Could it have been a C-movement? Arguably No. And if No, then, even though we must agree with Moore about "move"'s noncommittal character, we might want to treat "movement" as covering a significantly different species of event. The colorness of the C-movements could then carry no consequences at all for actions, however close the relation between A-movements and

\[68 Id.\]
\[69 Id.\]
actions might be supposed to be. Even if Moore thought that actions were literally (that is, wholly) identical with movements, and even if he thought that some movements are completely colorless, nothing reductive could be established about actions.

But in any case—and this is the second difficulty—Moore does not think that actions are literally identical with movements: the "reductive" thesis says that parts of them are movements. But then however colorless any movement might be meant to be, no reductionism about action is forthcoming. It is as if Moore had thought that he could render actions colorless by drawing attention to their putatively colorless putative parts. But it is quite unclear how that might have been meant to work.

The "reductive" thesis is set in opposition to one that Moore misleadingly expresses as the identity of actions with bodily movements. This is actually just the thesis that is delivered by the account of actions' individuation that Moore endorses—a thesis about real (non-"partial") identities, expressed nonmisleadingly as the identity of an action with a person's moving of a bit of her body. This is "trivial," Moore says, and it "becomes a non-reductive account of action." Well, since he is committed to it, we have to suppose that he thinks that something is gained from asserting in addition to it (to the "trivial" thesis) the "interesting" one. But the "interesting" thesis is the one that we have just seen does not lead anywhere.

Wherever the "interesting" thesis might have been meant to take one, Moore does not allow himself to be led there anyway. For all his claims about movements, Moore actually denies that the staunch behaviorists' resources can characterize actions. Moore gives it as a reason for holding sleepwalkers' deeds not to be caused by volitions that verbs appropriate to human action are extended to sleepwalkers only metaphorically. And he gives it as a reason for introducing volitions that "personal agency" has to be conceived as distinct from "mere physical involvement." So, like most of the rest of us, he takes an event's being an action to go hand in hand with some human, personal, or psychological predicate's applying to it literally. And that means that even if the movements associated with actions were colorless, actions themselves would not be.

The "reductive" thesis has no reductionist consequences. And

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70 Cf. supra note 29 and accompanying text.
71 Moore, supra note 1, at 83.
reductionism is a red herring. It has been worth unearthing because its powerful scent explains Moore's chasing after bodily motions as he does. In making them the quarry, Moore gets distracted from the real identity thesis to which he is committed. I am not sure that it turns on whether this thesis is "trivial" or "interesting"; I am sure, however, that Moore and I can agree that it has the virtue at least of truth.

CONCLUSION

When we begin, not with bodily motions, but with ideas about people doing things, we are well-placed to say what distinguishes actions from other events, and we can agree with Moore that "physical involvements" by people qua agents are movingsT (by people) of bodies. The account we are led to has no trouble with omissions, and no truck with volitions. In the light of it, it seems that Moore has no better reason for his curiously lax account of omissions than that omissions are not examples of bodies in motion. And it also seems, in the light of the account we are led to, that Moore gives an inadequate argument that volitions must enter a theory, and then tailors the notion of "a volition" so as to be able to maintain that the theoretical understanding he takes himself to have achieved is that which lawyers advocating an "act requirement" had always sought.

Encouraged by a spurious reductionism, and by his own strange terminology of "partial identity," Moore gives pride of place to bodily movementsT. And once volitions have been made a focus, Moore quite loses sight of the possibility of concentrating on a class of events (people's doings) and saying which of them are the actions. But the greatest source of Moore's disregard of actions themselves is surely his tendency to confuse them with other things—with things in the category to which actus rei belong. Moore recognizes that actus rei line up not with actions but with types of action when he says that "a criminal code . . . prohibits approximately 7000 types of actions."72 It is lucky that there are not so many types of aberration for the wandering theorist.

72 Id. at 1.
APPENDIX

Before Moore brings us to his argument for volitions proper (which I considered in Part VI), he gives us an argument to show that "in order for there to be a basic action of V-ing," a "physical effect V-ing must be caused by a willing, trying, or other mental act, and it must also be the object of such a mental act or mental state." If the argument succeeded, it would simultaneously establish both a neutral volitionist/"trying to" thesis (a thesis which Moore and I might seem to agree about) and the claim which Moore thinks crucially separates the two of us. In this Appendix, I shall show two things: (1) that my own thesis about "trying to" neither needs nor gains support from any argument for a neutral thesis; and (2) that there are difficulties about understanding the claims which Moore takes to separate us.

(1) I think that the concept of "trying to" has some of the properties that Moore thinks some volitionalist notion must have. In particular, I think that someone's trying to do something is an event that precedes and causes the movement that there is when there is an action of hers, and that events that are someone's trying to — may be said to have contents. What distinguishes my own view from Moore's is that I do not think that we can show that "trying to" has its (relatively) ubiquitous application by saying that there must be a mental kind such that events of that kind immediately cause movements. My own argument for "try"'s (relatively) ubiquitous application is rather an argument (which can be given in the case where there is an event of A's X-ing) for a thesis about "try to," namely: \((T): A \text{ X-d intentionally} \rightarrow A \text{ tried to X.}\) Given the definability of "an action" using "intentionally," and given the account of actions' individuation that Moore and I both subscribe to, it is a consequence of thesis \(T\) that each action is an event of a person's trying to do something.

Moore calls me a "mental-action theorist." But this name for my position appears bound to mislead. Whether or not I accepted \((T)\), I would think that an action is a person's moving of a bit of her body. Does that give me any claim to be a "physical action theorist"? Again, whether or not I accepted \((T)\), I would think that an action is someone's doing something intentionally. Does that

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73 Id. at 104.
74 Cf. supra note 42 and accompanying text.
75 Moore, supra note 1, at 97.
already put me in the “mental-action” camp? Or is it when I go on to say that “try to” has application to every action that I am supposed to be revealed as thinking that actions are “mental”?

(2) The “crucial issue,” in Moore’s opinion, which “[n]one of Hornsby’s three arguments even touch,” is whether, when there is an action and someone moves a bit of his body, there is any “simpler or more basic action by which he performs such movement.” It is to be expected that my arguments would not touch this, because I do not think it makes sense: actions are not related by “more basic,” and “perform movements” means nothing to me unless it means “move something.” Still Moore may be attempting to say something here that is fine by everyone: in one important and intuitive sense of “basic,” to accept that move the arm, say, was the (most) basic thing is to allow that there was nothing the agent intentionally did by doing when she moved her arm. (The idea of basicness employed here is that which I called “teleological” in Actions.) Moore says: “[w]hich acts are basic is the ultimate issue between the mental-action theorist and the volitional theory that I defend.” But when it is allowed that there are different notions of basicness, there is seen to be more than one question of “which is basic.”

The idea of basicness used now to understand Moore’s belief that “there is no simpler or more basic action by which he performs such movement” is attuned to our thinking about ourselves as agents (“intentionally” enters into its definition). But Moore’s real concern in the argument is with matters we ordinarily do not think about when we think about ourselves as agents: he provides us with what is supposed to be another way of seeing the crucial issue when he asks whether “he does [any] contracting of his muscles as an action of his.” I think that neither “does any contracting of his muscles” nor “as an action” is readily intelligible. I shall take one at a time.

“He does contracting of his muscles” is a neat illustration of the

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76 Id. at 102.
77 Id.
78 See discussion supra part I.
79 Cf. supra part V.
80 HORNSBY, ACTIONS, supra note 15, at 78-88.
81 MOORE, supra note 1, at 98.
82 See supra note 9 and accompanying text.
83 MOORE, supra note 1, at 102.
84 Id.
pressure Moore puts himself under to conflate things that are done with particulars: "does contracting..." here seems to be suspended between something he might do—contract—and an event that is his doing it—his contracting.\textsuperscript{85} If we take "does contracting of..." to mean simply "contracts" (which is the only thing that it can mean), then the question that Moore says is crucial is the question whether he contracts his muscles "as an action of his."

"As an action" may direct us in either of two directions. We may be meant to ask: (a) Did he contract his muscles intentionally? (That is, was contracting his muscles something he did by dint of which an event is revealed to be an action?) Or, (b) was his contracting of his muscles an action? Since it will be agreed on all hands that the answer to (a) is \textit{No}, we can confine attention to (b). Moore himself appears to vacillate on the question whether people contract their muscles—whether sentences like "She contracted such and such muscles" are quite frequently true. But if people contract their muscles, then in order to answer (b), we shall have to know whether and how an event that is someone's contracting of her muscles can be differently described. Our opinion on this should be determined by our view of events' individuation, and I thought that I shared Moore's view of that. If, on the other hand, people do not contract their muscles, then "her contracting her muscles" is not true of anything, so that (b) lapses, and there is no dispute.\textsuperscript{86}

If Moore and I can agree about all this (or, when we disagree, it does not matter), then one wonders what his argument is meant to achieve. He summarizes it "[s]ince only bodily movements are these kinds of physical effects [that is, those caused by a willing, trying, or other mental act], only bodily movements can be basic actions."\textsuperscript{87} Well, I showed in the text that Moore has one good reason not to argue that "only bodily movements can be basic actions": it leads to contradictions\textsuperscript{88} as it is at odds with his thesis

\textsuperscript{85} Cf. supra notes 10, 12 and accompanying text.
\textsuperscript{86} Admittedly if people do not contract their muscles, then one of the arguments I gave for thinking that bodily movements are not parts of actions also lapses. In fact, though, I persist in thinking that people contract their muscles; I blame the unease we feel about saying that they do on the failure of subpersonal and personal accounts to mesh with one another. See discussion supra part VII. So I actually hold that there are things a person does that are \textit{causally} more basic than the \textit{teleologically} basic thing she does. But if people do not contract their muscles, my definition of "an action" and (T) above are unaffected.
\textsuperscript{87} MOORE, supra note 1, at 104.
\textsuperscript{88} See discussion supra part I.
about individuation. And there is another reason now for Moore to avoid his conclusion: it goes back on his own "only partial identity" thesis. Effects of volitions (movements, which were supposed to be parts of actions) are being said by him now to be actions.

See discussion supra part II.