

Indeterminacy in the past?

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ABSTRACT

This article discusses some issues that arise from the fact of 'conceptual change'. We focus on the difficulties that Ian Hacking encountered when considering whether the consequence of conceptual change is the fact that the past of individual actions is indeterminate (Hacking, 1995). We consider his use of Anscombe's thesis on actions under description and find that he misrepresents it. We further find that he neglects tenses of descriptions and redescriptions, the contrast of which is essential to concepts that entail a contrast in understandings of how the matters were then, how they are now, or will be in the future.

Key words action, Anscombe, Hacking, history of psychiatry, indeterminacy

We are working our way around the edges of the very complex business of determining what the fact that concepts change and are replaced means for the 'social sciences' (Leudar and Sharrock, in press a, in press b). That concepts vary from place to place and in time is a plain and undisputed fact, but one whose consequences are obscure. This article ventures a modest engagement with some issues that arise around 'conceptual change' (Coulter, 1995). We shall be focusing upon the difficulties that one author – Ian Hacking – has got into while considering whether the consequence of conceptual change is the fact that the past of individual actions is indeterminate (Hacking, 1995).¹ When reviewing Ian Hacking's *Rewriting the Soul*, we were intrigued by his arguments about the indeterminacy in the past. We thought that there was something seriously wrong with those arguments, but were

unable to give the pertinent chapter the attention it deserved in a review of the whole book (Leudar and Sharrock, 1999). We now try to sort out the complexities of Hacking's thoughts on 'indeterminacy in the past', spelling out exactly what the problems are.² We accept, at least for the sake of argument, that actions are 'actions under a description', with descriptions individuating those actions. It is, however, not the case that an action under a description is possible only if the agent can recite that particular description. It would be also wrong to assume that a redescription necessarily substitutes for the initial description, rather than is coordinated with it, constituting a history. We find that Hacking tends to neglect tenses of descriptions and redescriptions, the contrast of which is essential to concepts that entail a contrast in understandings of how the matters were then, how they are now, or how they will be in the future, such as guilt, progress and personal history.

We will deal with these issues in three stages: first, attacking the general philosophical problem; then turning to historical cases; and finally, addressing the problem of tenses in Hacking's arguments concerning the indeterminacy in the past.

Hacking's thoughts may have been provoked by his case studies in the formation of psychiatric concepts (e.g. Hacking, 1995, 1998), but the terms in which he addresses the issues are quite general, drawn from Elisabeth Anscombe's *Intention* and concerning the part that the ascription of intention plays in the identification of actions (Anscombe, 1959). The fact that the cases he considers are 'in the past' does not matter greatly in this respect, and the problems can be considered independently of Hacking's historical examples.

These examples are, though, worth considering since it seems to us that another live and general issue arises here, which is again by no means specifically historical. This is the one of passing judgement on other cultures – what are we to say about things done by our predecessors, or about those who live by standards other than our own – and are we entitled to use concepts that we have but that they did not to say these things?

The third issue is the one which is most directly connected with the fact that Hacking's examples are 'from the past'. We will try to explain how his (apparent) difficulties arise from his use of tenses in formulating the problem, particularly when using the expression 'becomes true'.

THE GENERAL PROBLEM

The issue is whether we can not only change our understanding of the past, which we clearly can and do regularly, but whether, through changing that understanding, we are sometimes *retrospectively altering the past itself*.³ Can

we *now* – somehow – make a difference to what actually happened even centuries ago? The indeterminacy in question involves the possibility that the actual character of actions in the past is not established at the time of their performance, but must await further determination, which may occur only long afterward.⁴ At the time that the action-in-question was performed, the identity of the action was not fully settled, and neither could the development of the conditions that would endow the further determination of the action's identity be foreseen: it is in these respects that the past is, in Hacking's account, indeterminate. His worries about indeterminacy arise out of meditations on the psychiatric practice of retrospective diagnosis, and, relatedly, on the production of contested versions of an individual's biography (as in 'recovered memory' situations) as the following quotes document:

Old actions under new descriptions may be reexperienced in memory. And if these are genuinely new descriptions, descriptions not available or perhaps nonexistent at the time of the episodes remembered, then something is experienced now, in memory, that in a certain sense did not exist before. The action took place, but not the action under the new description. Moreover, it was not determinate that these events would be experienced in these new ways, for it was not determined, at the time the events occurred, that in the future new descriptions would come into being. (Hacking, 1995: 249)

When we remember what we did, or what other people did, we may also rethink, redescribe, and refeel the past. These redescriptions may be perfectly true of the past; that is, they are truths that we now assert about the past. And yet, paradoxically, they may not have been true in the past, that is, not truths about the intentional actions that made sense when the actions were performed. That is why I say that the past is revised retroactively. I do not mean only that we change our opinions about what was done, but that in a certain logical sense what was done is itself modified. As we change our understanding and sensibility, the past becomes filled with intentional actions that, in a certain sense, were not there when they were performed. (Hacking, 1995: 249–51)

Hacking considers that therefore it would perhaps be best 'to think of past human action being to a certain extent indeterminate' (Hacking, 1995: 243). He, however, also writes, somewhat inconsistently:

It is almost as if retroactive redescription changes the past. *That is too paradoxical a turn of phrase for sure.* But if we describe past actions in ways in which they could not have been described at the time, we derive a curious result. For all intentional actions are actions under a description. (Hacking, 1995: 243; emphasis added)

These texts show that while Hacking may be vacillating on whether he has brought out a paradox, he nonetheless thinks that there is something strange involved here that may call upon us to acknowledge something new about the nature of human actions – that they are ‘to a certain extent indeterminate’ (whatever that might really mean).⁵ And, of course, there is the question as to whether an action’s being ‘in the past’ is of any particular significance – does the issue not apply to human actions in general? After all, the arguments are presented as a corollary of Elizabeth Anscombe’s work *Intention* that concerns actions in general.⁶ Note that Hacking generalizes indeterminacy even further – there is indeterminacy in personal experience, how one thinks about happenings in one’s own past. His thesis then has implications for psychology, not just for history; it is equally important for serious consideration of language and culture in psychology.

We can readily agree with Hacking that sometimes we ‘rewrite the past’ because we have found new empirical evidence about it, or because we contrive new ways of thinking and writing about what went on. However, we take this for a well-known fact of life and of historical work, rather than anything that need imply ‘curious’ conclusions about actions. We do not, moreover, think that invoking Anscombe’s thoughts on intentions, and introducing the idea of ‘indeterminacy in the past’, adds anything but confusion to the portrayal of how psychiatric diagnoses change in history.⁷

The influence of Anscombe’s position on Hacking’s thought is reflected in the following remark that also, we think, gives the essence of Hacking’s worry about indeterminacy in the past:

If a description did not exist, or was not available, at an earlier time, then at that time one could not act intentionally under that description. Only later did it become true that, at that time, one performed an action under that description. At the very least, we rewrite the past, not because we find out more about it, but because we present actions under new descriptions. (Hacking, 1995: 243)

This quote gives away the lack of clarity. The impression might be that it is possible that an action that one performed without a certain intention can later, perhaps long after it was done, acquire that intention. This impression, which Hacking seemingly derives from Anscombe’s work, is one that would indeed be near-paradoxical.

With respect to Anscombe, Hacking’s arguments raise two questions: is Anscombe’s position what Hacking thinks it is, and does it carry anything like the implication Hacking gets out of it? Holding the discussion of Anscombe in reserve in order to contain the complexities, we can complain that Hacking’s own statements quoted are not so much near-paradoxical as they are obscure and possibly misguided. It seems simply as if the second sentence – ‘Only later did it become true that, at that time, one performed an

action under that description' – asserts what the first denies – 'If a description did not exist, or was not available, at an earlier time, then at that time one could not act intentionally under that description'. (One cannot, for instance, look for dark matter before this concept has been formulated.) Without worrying then about what it might be for a description 'not to exist' or 'not to be available', we can note that the first sentence claims, or appears to, that unless a certain kind of description was available to the person performing that action *at the time he or she performed it*, then that person could not perform that action *with a certain kind of intention*. Without the description, it seems, the person could not have had the intention, and, if he or she did not have the intention, could he or she have done *that* action (given that its performance with a certain intention is what makes it the action that it is)? The second sentence of the quote seems to suggest that, later, *long after* the relevant kind of description becomes available, *only then* can one be found *to have had* the intention associated with that description. If we think of the changing 'availability of descriptions', in historical – not biographical – time, then it is seemingly being said that one did not have, that one could not have had, this intention, *I*, and could not therefore have done action *A*, an action with this intention, but that, 200 years later, as a result of the descriptions becoming available, one could be found to have had that intention, and thereby to have done action *A* after all. But this is surely and clearly just a contradiction. One is, allegedly, later found to have had an intention that one did not have. One is even found to have had an intention that one *could not possibly have had*, since having access to the description was a condition of being able to have the intention.

Perhaps the confusion is aided, and compounded, by the lack of clarity as to whether the capacity to act under a description presupposes the availability of the description to the one who does the action. Thus, is it that the perpetrator, *P*, can only perform action *A*, marked with intention *I*, if the description *D* is available to *P*, for, if that is so, then over the kind of time-scale we are considering here, that of the transition between several generations of psychiatric conceptions, if description *D* does not become available until centuries later, then *D* will never be available to *P*. Therefore, on that time-scale, it must be that the description becomes available to others than the one who performed the action. The individual *cannot*, on these terms, possibly have had the intention, since the necessary description, *D*, was *never* available to that one, and certainly not at the time that the action was performed.⁸ The contradictory nature of the indeterminacy position is that one can centuries later be found, by others, to have had an intention that one did not have, and to have performed an action that one did not perform. It is perfectly possible to shoot someone intending to kill him, and to have to wait quite some time to find out if one's shooting was indeed a killing, but it is not possible to shoot someone, wait to see if he dies, and *then* find that one had intended to kill him!

ANSCOMBE ON INTENTION

Hacking's difficulties owe much to his attempt to recruit Elizabeth Anscombe's *Intention* to his cause, and, as we will show, to a consequent difficulty with tenses. His attachment to Anscombe seems to involve a misconception about the doctrines Anscombe is putting forward in connection with the relation between 'action under a description' and intention. Anscombe's argument with respect to action 'under a description' is meant to help dispose of a philosophical problem which also draws upon the notion of action under a description, but in a way that seems to pose a deep puzzle. If an action is individuated by a description, then what are we to make of a case in which ostensibly the same action can be given several different descriptions, as when Wes shoots Rupert meaning that there is first a shooting, and then, when Rupert subsequently dies, there is a fatal wounding, and also a killing. If an action is identified by a description, and we have three different descriptions, do we not have three different actions, rather than three different descriptions of the same action?⁹ Hacking is rather closer to those Anscombe meant to oppose, for Anscombe attempted to explain why a plurality of descriptions does not engender a proliferation of actions: she insisted that in an example such as the above, there is only one action, with many different descriptions. No one of these descriptions is *the* description of that action, though they are – and this is vitally important, *insofar as they are true of that action* – all descriptions of it, any one of which might be given to identify the action (depending, of course, on circumstances and relevances as to which would be appropriate). Among these descriptions there will be ones that are intentional in character, that identify the intention with which the action was done, and it is on this point that Hacking perhaps misconstrues her, but the descriptions that give intentional characterization of the action are only *some* of those true descriptions. Certainly Hacking is repeatedly struggling with the inclination to proliferate actions, and is puzzled as to whether an action remote in time that is now brought under a 'new description' is a *different* action than the one initially performed. It is perhaps because he wrongly supposes that Anscombe's doctrine requires that in order to perform an action with a certain intention, and thus under a particular description, it is necessary for the *doer* to have access to that description, to understand, potentially be able to give, the description of the action that mentions this intention, but this is not Anscombe's doctrine at all. Anscombe does not tie the possession of intentions to the possession of descriptions in such a general way. It is quite clear that, for her, and, she would claim, as a feature of our ordinary language, of the way that we all do speak, that cats and birds can have certain intentions without possessing any language and therefore without being capable of giving descriptions of their actions. We, however, can identify their actions and ascribe them intentions – this cat is

now clearly stalking the bird to catch it (with the intention of catching it). Equally, then, there is no reason to suppose that it is necessary a person can only possess a certain kind of intention if he or she has the description that identifies that intention 'available to him or her'.

Bear in mind the vitally important point about Anscombe's doctrine, which is that the description can only be a description under which the action may be subsumed, if it is true of that action.¹⁰ Description is used in this context as a 'success' word, meaning accurate or correct characterization.¹¹ Therefore, any 'new description', i.e. one that 'becomes available' only after the action was done, can only be a description of the action *if it is true of that action*. That there can be many different descriptions of the same action cannot mean that they will be at odds with one another, since then they could not all be true of the same action.

Anscombe's doctrine then applies only to descriptions that are true of the action, but in retrospective psychiatry the situation is different. There the initial descriptions provided for actions and experiences in the past are subsequently rejected, and descriptions that the perpetrator could not possibly have given or acknowledged are applied instead. For instance, Socrates and his contemporaries said that he heard a voice of a daemon and listened to it for guidance; French psychological medics in the 19th century said he hallucinated with consequent catalepsy (see Leudar, 2001). These descriptions are clearly at odds, and Anscombe's thesis explains why these descriptions succeed one another, rather than proliferate, for, given the ways in which they differ, they cannot both be right.¹² Now, some examples that Hacking gives are those where descriptions may not be at odds:

And if these are genuinely new descriptions, descriptions not available or perhaps nonexistent at the time of the episode remembered, then something is experienced now, in memory, that in a certain sense did not exist before. The action took place, but not the action under the new description. (Hacking, 1995: 249)

Others clearly are not. In the former instance, where the description and the redescription are both true, there is according to Anscombe just one action, under two descriptions. Anscombe's point surely does hold: there is only the *one* action, which is Socrates' pausing and listening, and there are rival proposals as to how that action is to be identified, and, of course, they are only 'at odds' because they are offered as descriptions of that action, and because they are offered on the assumption that they *cannot* both be right – they wouldn't be at odds, if they could. Further, it is clear that if Socrates is accepted as really listening to his daemon, then there is no question of his action coming up for psychiatric description. Anscombe's account is of 'how we speak', not a theory of action of her own.

In the latter kind of case – where the description and the redescription are

at odds – Anscombe’s doctrine simply does not help.¹³ Hacking, however, does not distinguish the two cases, arguing that in both the action has changed as the function of future events. The final sentence of the last excerpt in fact suggests that Hacking clouds the difference between ‘The action, truly identified by the description X, took place in 1914, and those who did it would have understood what they were doing in terms of description X’ and ‘The action, *now* truly identified by the description X, took place in 1914, but at that time the description X would have meant nothing to those who did that action’. This same misconception is apparent toward the end of the following:

Most people now accept the commonplace that memory is not itself like a camcorder, creating, when it works, a faithful record. We do not reproduce in memory a sequence of events that we have experienced. Instead, we rearrange and modify elements that we remember into something that makes sense, or sometimes, that has just enough structure to be puzzling or incoherent. . . . We touch up, supplement, delete, combine, interpret, shade. There is still the conception that the past is the sort of thing of which a faithful record could have been made, had there existed an array of hidden cameras. But suppose I see (or remember) two people shaking hands to conclude a deal, and that I, on another occasion, see (or remember) two strangers meeting each other for the first time. The camera images of these two scenes could well be indistinguishable, separable only when the full story came on the screen. The activities are recorded, but not the actions-under-a-description. . . . Thus the imaginary camcorder in the sky, which records everything that happens in a particular scene, does not of itself suffice to record what people were doing. (Hacking, 1995: 247–8)

There is, as Hacking rightly points out (though does not, we are suggesting, himself consistently appreciate), an inclination to introduce a wedge between the action and its descriptions, as though we can identify an action independently of any of its descriptions. Of course a video recording does not record the description of an action, but that does not mean that the video thereby fails to record what the people were doing, fails to record their actions. It is not as if, when people are doing some activity, they simultaneously do something *in addition* to what might be captured by a video recording, something that cannot be captured on it, *at the same time* as they are doing what can be captured on the video. An image of people who are ‘shaking hands to conclude a deal’ is only indiscriminable on video from one of ‘two strangers’ shaking hands on ‘meeting each other for the first time’ (Hacking, 1995: 247) because you don’t know enough about who they are, what they were doing before the handshake and so on. In other words, what may not be captured on a video may be the circumstances that would enable any viewers of the

video to understand what kind of actions they were viewing. However, the actions that are being done by the common means of a handshake are, of course, quite specific in kind, and the true descriptions that identify the actions they are must consequently include the specific circumstances that give them their character, however widely one must range into those circumstances beyond what is recorded on the video. The one case comes under the description 'they shook hands to seal the deal' and the other goes under 'they shook hands in mutual introduction', depending on whether they had been together previously, had never met before and so on. It would be either merely casual or premature to propose that the occasion was of one kind or the other if one knew nothing about the circumstances other than the fact that a shaking of hands was taking place.

Anscombe's account recognizes, first, that *only some* of the descriptions of one and the same action specify an intention, for there are many things about an action that may not be intentional but can be identified in a description of that action. Anscombe's account can also accommodate the difference between those cases in which a person cannot have an intention without having various descriptions 'available', and those cases in which a person can have an intention of a certain kind without having access to any description. The animal examples make the point that access to a description is not *essential* to having intentions, but the truth about cats, even given Anscombe's argument, is still that they do not and cannot have many of the intentions that people have. For a lot of those intentions that people do have, the having available of descriptions of the right kind is indeed essential to the having of those particular intentions: without having available the description 'capture some solar neutrinos' – that description, and a rather complex apparatus of other descriptions, too – one is hardly going to be able to possess the intention to capture some solar neutrinos.¹⁴ Hence, what Hacking thinks is a near paradox, but what he formulates as a contradiction turns out to be one that arises because Hacking has over-generalized this point about access to descriptions. The difficulty dissipates when it is seen that whether or not one can, after the fact, be found to have an intention for which there was no description available at the time, depends upon *the kind* of intention that it is, and the kind of description that is involved. More bluntly, if being able to perform an action with a specific intention depends upon having certain specific kinds of description available to the one who does it, then that one *simply cannot* have that intention or do that action without that kind of description being available. If that is so, then the fact that a description *later* 'becomes available' cannot make any difference – one did not have the intention, nor did one do the action, if doing it requires having just that intention. If, however, the action involves the kind of intentions that one can have without the description being available to one, then of course it may only be long after the actions are over that 'new descriptions' of the action become

available, but they can only be *intentional* descriptions if they are true of the action they purport to describe; if – in other words – they now, perhaps for the first time, provide a description identifying those intentions, but those intentions must nonetheless be *ones that the perpetrator had at the time*.

SEXUAL HARASSMENT IN THE 1800S?

His reading of Anscombe leads Hacking to wonder whether there could be *acts* of sexual harassment at a time prior to the appearance of the *expression* 'sexual harassment' some decades later, and he finds this a puzzling question to answer. However many of his difficulties may appear to arise from the problems with 'action under a description', we suggest that they also derive from difficulties in making judgements on our predecessors (or on contemporaries) from a culture that is very different from ours.

It is true that in 1950 there was no such thing as sexual harassment *in the sense* that there was no vocabulary, associated understandings or practices in terms of which it could possibly make sense to anyone then alive to speak of 'sexual harassment'.¹⁵ It is only some time *since* 1950 that the expression 'sexual harassment' has been provided with an intelligible sense, the intelligible sense that it now has, and it is therefore only long after any events that took place in 1950 that anyone can even intelligibly say that 'X sexually harassed Y'. What is certain is that no one in 1950 could then have been accused of or punished for sexually harassing someone else as he or she can be today. And, of course, if the person could not be accused of sexual harassment, he or she certainly could not be *correctly* accused of it.¹⁶ Does this mean that *we* therefore cannot apply the concept of sexual harassment retrospectively?¹⁷ The concept of sexual harassment is of the kind that does not depend on the doer having access to it – in our culture it can be applied irrespective of whether the perpetrator understands it and despite denials of its relevance in particular cases. So pursuant of the arguments considered above, we must now – decades afterward – be changing the character of what was done in 1950. When it was done (we are tempted to say 'when it was first done') in 1950 it was not – it could not possibly have been – an act of sexual harassment, but now it – what was done in 1950 – can be – *was* after all, it seems – an act of sexual harassment. It is tempting to say that, somehow, the nature of an action has been retrospectively altered, but that temptation is surely only in tension with the inclination to say that the action was over and done with in 1950. It is easy to see how the puzzlement can arise from the problems in formulating in a clear way these (supposed) implications, but that it seems necessary to adopt such tortured ways of trying to put the point may be a sign that there is something wrong at quite a basic level, especially when the facts that are ostensibly creating the problem can themselves be expressed with clarity.

The resources of our language are, surely, much richer and finer than philosophers will allow when it comes to spawning a philosophical worry. At one point Hacking considers McKenzie's case which concerns projection of charges of 'sexual abuse' into the more distant past. The thing which strikes us about this case (which Hacking treats as important) is that *the facts* of the case (as the case is presented, at least) may be plainly seen and, as Wittgenstein advised, say what you like so long as it does not blind you to the facts.

The facts of the McKenzie case are that he legally, and not all that remarkably for his times, married a 14-year-old girl, and that therefore his doing so need not be considered by him anything either illegal or immoral. By the standards of 1802 what he did was, it seems, perfectly all right, meaning by that that no one could then take legitimate exception to it. Nowadays, there are those who consider that the fact that this was in its time a perfectly legal and conventionally acceptable thing to do counts for nothing; that the action was entirely legal does not prevent it from being, nonetheless, immoral. One cannot now legally marry a 14-year-old – the act has no validity – and an adult who had sexual relations with a girl that age would be (generally) condemned as a child abuser or molester.¹⁸ While not everyone everywhere would concur in these latter judgements, we take it that at least a significant number of people would do so; and the making of those judgements is also among the facts of the McKenzie case *as we are asked to consider it*. But all this is clearly explicable and plainly intelligible, and these facts could be summarized in this way: at the time that McKenzie married the 14-year-old girl, this was considered a harmless thing to do, whereas it was *what we would now call* 'child abuse'. If we do not say that it *was* child abuse, that is only to mark its relations to the conventions of its time, but if someone did that now it most definitely would be child abuse. The difficulties begin to arise if we insist on pressing the issue further than this, as if there was something that will be further clarified by asking: well, then, *was it child abuse when McKenzie did it?* Actually, the difficulty is if the question is asked thus: *was it child abuse when McKenzie did it, yes or no?*

The second formulation confirms that it is the desire to force a yes-or-no answer to the question that creates the difficulty here. It is one which, plainly, can be answered both 'yes' and 'no', but, like so many questions in the social studies, the best answer is: it all depends. Further, the way in which one answers does not hinge upon the facts themselves, but requires a decision. The decision is, in an important respect, upon whether the judgement being sought is upon McKenzie himself, or whether it is upon McKenzie's and his contemporary society.¹⁹ In other words, are we to think of the problem in terms of *jurisdictional* purposes and ask: who are the people entitled to pass judgement on what McKenzie did? Is it for *us* – Leudar and Sharrock, and other people living a century and a half after McKenzie's marriage – to say whether or not McKenzie did a bad thing? We may judge that it is indeed

none of our business, that it was up to those people – McKenzie and his contemporaries – to determine whether there was anything wrong with what McKenzie did, and they determined that there was not. That McKenzie did the sort of thing that we now call ‘child abuse’ has no relevance; the fact that among ourselves comparable conduct would be child abuse does not mean that what McKenzie did *was* child abuse. Under our jurisdiction it would be, but under that of English society in 1802, it was not.

But it is perfectly logical that this decision can be disputed, and a different one proposed. It can be insisted that what people have done in the past *is* our business, so much so that, nowadays, we may apologize for the actions of long, long dead predecessors, people who are not our personal ancestors, but who just happened to belong to the precursor of what has developed into ‘our society’. The difference here is in fact primarily a moral one, between the view that the right thing to do is to respect the autonomy and independence of communities other than our own, to grant them jurisdiction over the moral status of actions done within them, or not. Against this, however, we may insist that our morality requires general application, that we can make judgements on people’s actions that override those that they would themselves make. The fact that persons were in accord with prevalent contemporary and/or local standards provides no compulsion for us to accept that what they did was right. On this latter view, we can pre-empt the judgements of our predecessors, and we may, quite intelligibly, end up feeling regretful that McKenzie not only did what he did, but that he was *allowed* to do so, and was even – however passively – *approved of* in doing that. Our condemnation may extend far beyond McKenzie to include his contemporaries for their acceptance of the standards which they accepted and applied.

What our willingness to apologize for the acts of those long dead shows, of course, is that there have been moral changes – we have not made some empirical discovery, but have ourselves eschewed doing and have come actively to condemn the kinds of things our predecessors used to do. That they thought there was nothing really wrong or harmful in their practice (of keeping slaves, killing Jews, taking child brides, rejecting Romanies) cuts no ice with us. We have re-evaluated their and our ways. That they treated these things as acceptable is just what we now disapprove of. If we take this latter moral view, then as well as a moral difference between us and our predecessors in this latter case, there is also one between us and those who think that the question of whether McKenzie did something wrong has nothing to do with us.

In either case, we can *all* agree that what McKenzie did then is what would nowadays be called child abuse (and not a marriage) – not least because that includes ‘all sexual contact with a 14-year-old girl’. In other words, all sexual contact of that type, *regardless of all other circumstances*, comprises harassment. In that usage, of course, the fact that McKenzie was conventional and by no means exceptional in his time counts for nothing. In important part,

the problems there are with the McKenzie case arise from conflicts among ourselves, disagreements about how to make judgements on child abuse. In our time, it does not matter what an abuser thinks he is doing – so why should it matter with respect to the past.

Returning back to Hacking's analysis of sexual harassment, he makes a request:

I asked you to imagine some plain, but not entirely gross, example of sexual harassment that took place in 1950. I am not at all sure that it was determinate, in 1950, that this was an intentional act of sexual harassment. Indeed some people, with whom I strongly disagree, will say that it definitely was not sexual harassment, then. Others will insist that of course it was. In this case I do judge that it was sexual harassment in 1950. (Hacking, 1995: 243–4)

To which we might most concisely respond by saying that it was 'not determinate, in 1950 that this was an intentional act of sexual harassment', but then it was not 'indeterminate' either, for the issue did not, could not, arise. Further, the question as to whether it was an 'intentional act' of harassment becomes a somewhat ambiguous one in the context of Hacking's discussion. If we take the availability of the right kind of description – sexually harassing someone – as a criterion for even possibly possessing the intention, then no one in 1950 had the description 'sexual harassment' available to them, and could not, therefore, possibly *intentionally* perform this heinous act. However, Hacking judges that someone could, in 1950, intentionally perform such an act, which means, of course, that the person could have the appropriate intentions without having access to at least the description of what he or she was doing as 'sexual harassment'. In other words, the person can have had – did indeed have – in 1950 the kinds of intentions requisite to a charge of sexual harassment.

However, these *cannot* have been the kind of intentions that a harasser or an abuser may have had (to our knowledge): for example, McKenzie's intentions cannot be assumed (without further evidence) to be any different from – any less conventional in character than – those of anyone else taking a wife at that time: that one married a 14-year-old did not distinguish one from someone who married a 20-year-old, and the exercise of one's 'conjugal rights' with the former was every bit as normal, by contemporary standards, as it would be with the latter.

It is, then, the *kind* of intention that becomes relevant to Hacking's deliberations, as

... if the father insists on showering [in 1950] with his daughter, knowing that she is uncomfortable at some level of her being, then he is being abusive. Whether the abuse counts as psychological or sexual is too fine a point to worry about except in an adversarial courtroom.

Nevertheless, the conceptual question 'What was he doing?' remains perplexing. Even more puzzling is the case of today's adult, who did not have these descriptions when she was a child, but who now looks at her past and recalls episodes that, she now thinks, fall under those descriptions. She was abused, although not flagrantly, as a child. Even so, when she was a child, neither she nor adults around her were able to conceptualise what was happening in the way that today's five-year-old can. The retroactive redescription and reexperiencing of human actions is the most difficult of topics. (Hacking, 1995: 240–1)²⁰

Hacking is now taking an instance of something that, in 1950, might well have been conventionally – but also superficially – judged as wholly innocuous, but in Hacking's portrayal of it, the showering together is not a sexually neutral occurrence, but rather sinister, one in which the father is aware that the daughter is reluctant to take part, and is, at the very least, imposing upon a weaker party, as well, perhaps, as indulging some less-than-acceptable inclinations of his own that he can barely admit to himself. It is what the father is imagined to (half-)knowingly intend that infiltrates the hint of harassment into the portrayal – that most people at the time could not imagine that a father would experience such feelings does not mean that the father could not experience such feelings. Were the contemporaries of that father to be aware of, to be capable even of accepting that there could be such intentions of suburban fathers toward their maturing daughters, then it is doubtful if the action would any longer be conventionally approved. The intentions being assigned to the showering father are not, themselves, *conventional* intentions, but there is no reason to rule out the possibility that people can have *unconventional* intentions. The experience of mild sexual attractions toward a daughter is not something that awaits, presumably, the creation of appropriate descriptions.

Again, the decision as to whether an action occurring prior to the formation of the concept of sexual harassment is or is not one is shown to depend. It depends upon what sexual harassment is understood to be, whether it is, as we have discussed above, a judgement that can be made without regard for intentions – in which case, such acts can be performed by those with the purest conventional intentions – or whether it depends upon the possession of intentions – then these must be *the right kind* of intentions. And it depends, too, upon the moral choice that one makes. However, in cases from 'the past' these intentions cannot be ones that depend upon access to the descriptions that are now in use.

PROBLEMS WITH TENSES

Hacking's difficulties may be exacerbated because of his surprising inattention to tenses of descriptions, neglecting the times at which the describing is

done. This ensues from his attempting to give a synoptic summary of what the 'under a description' argument shows by means of the expression 'becomes true': a particular action took place in 1950, but that it only *becomes true* that it was an act of sexual harassment in the 1970s. This invites the assumption, and one that Hacking makes, that the nature of the action itself has changed between then and now: it was not true in 1802 that in 1802 the action was an act of sexual harassment, but it is true in the 1970s that *in 1802* it was an act of sexual harassment. But this is just a less-than-perspicuous way to put the point, to state the facts which are – as we have reviewed them above – clear enough. Retaining the times of descriptions, the following sums up the history: 'It was not true in 1802 that in 1802 the action was an act of sexual harassment, but it is true in 1970s that the action that took place in 1802 is retrospectively deemed an act of sexual harassment, by virtue of what was done, and the intention with which it was done.' Two different things were true, and what made them respectively true were very different sets of circumstances. It is certainly true (in 1802, in the 1970s and now) that in 1802 no one could have been accused or found guilty of sexual harassment, because the practice of stigmatizing sexual harassment just did not exist. The idea of 'sexual harassment' itself was formulated only in the 1970s and so it is only afterwards that anyone could truly say: X sexually harassed Y in 1802. So X is guilty of sexual harassment but only from the perspective of our time, at least so long as the times of descriptions are taken to be their inseparable indexical characteristics with the consequence that the latter cannot overwrite the former one. Hacking, in making his argument about the indeterminacy in the past in fact neglects the temporal deixis of descriptions and writes as if the descriptions and redescrptions were timeless. In fact, the language of social 'progress', 'stagnation' and 'regression' depends on conceptually distinct, temporally separate and temporally ordered descriptions and redescrptions. It is the development of *new* descriptions and the criteria for their application that enable allegations and the determination of whether they are correct or not, but the allegations are made *of 1802*, and if they are true, if they satisfy the criteria for the application of such terms, then they are of course true *of what happened in 1802* – what was done *at that time* settles whether or not the allegation is true, but it settles it now, not in 1802. The determination being made *now* is of what the action *then was*, though its description as an action *of that kind* may not previously have been possible.

So it is important that we are dealing not only with *descriptions*, here, but with *redescription*. The extent to which purported descriptions of actions are actually redescrptions of actions is misleading throughout much of the social-supposedly-sciences, just as it is here. To speak of, say, 'two descriptions' of the same actions may suggest that we have, that we *can* have, two rival descriptions of the same action, and that one of these must displace the other. Anscombe's notion that there can be many different descriptions of the

same actions does not, however, either support or reinforce any such conception. The notion of 'description' in this context is used as a success word: it is a description of the action because it is *correct*, because it is true of what was done, and one cannot have rival descriptions in this sense, since only one of such rivals, of the *candidate* descriptions, can actually be one of the many possible descriptions of that action. Saying that someone pumped water and that they poisoned the people in the meeting are not rival descriptions, though they may be different descriptions of the same action, one in terms of the activity involved, the other with reference to its intent or consequence. The descriptions that social scientists give are often, we suggest, *re-descriptions*. They are not merely different descriptions of someone's actions, which may be included within the collection of possible descriptions of those actions. They are certainly not – though they may often be disguised as – rival descriptions to the candidate descriptions that the persons who do the actions might have 'acted under', that they might have 'had available' to themselves. They characteristically depend upon some of the description 'under which' the action was done: the sexual harassment applies to 'McKenzie's marrying Miss X aged 14' and to the man's 'taking a shower with his daughter'. These descriptions are left in place, the actions – of taking a shower, of doing so 'while aware at some level' that the daughter is uncomfortable with this – are correctly described in these terms, and what is changing is the kind to which it is being assigned – plainly, a kind unknown to those involved in the action. The classification is into a new kind²¹ that we have contrived *for our own purposes*, one that reflects the interests that we now take in the doings of our predecessors, which interests may be – as they plainly are – very different from those of the predecessors we take an interest in. Further if we say that action X (marrying a 14-year-old girl) is of the kind that amounts to sexual harassment, the 'is' employed does not involve a temporal dimension, and we are not, therefore, saying that the action is now, but was not previously, one of sexual harassment – the 'is' serves rather to assert that the case satisfies the criteria, that it can legitimately be called a case of this kind. As we have reiterated in the course of this argument, the apparent problem can be easily disposed of by bearing in mind the obvious differences between an earlier time and our own rather than by worrying about whether the nature of an action has somehow changed many years after it was done.

NOTES

- 1 Trying to locate the source of Hacking's *own* puzzlement over what he is trying to say about the indeterminacy of the past is enough of a task, and it is all we have attempted here. There are many other issues that arise from the difficulties considered here, and there is much more to be discussed with respect to Hacking's

work on these matters. It would be premature for reviewers or readers to decide on the basis of what we have said here how our position must work out with respect to the many matters arising therefrom. One issue, raised by an anonymous reviewer of this article, is Hacking's inclination to talk about 'making up people'. The reviewer commented that 'contemporaries are forming themselves and their society in ways that their predecessors did not and could not'. This, we think, exposes the anodyne character of the rather dramatic-sounding 'making up people': who nowadays disputes that the lives of people differ because the (for want of a better word) concepts available to them differ? This last is what Anscombe's position uncontroversially and truistically asserts.

- 2 Hacking is indeed focused on problems of memory, but is inspired, by his substantive problems and by his take on Anscombe, to raise a purportedly general question about the relationship between actions and descriptions, and to wonder, especially, about the import of the fact that 'new descriptions' can create new possibilities for action. These clearly would – if they were sound – have wide implications for historiography and 'describing the past'.
- 3 There are two salient considerations when thinking of 'past' here. First, 'past' is indexical, it is our past and with respect to our present. The term 'past' is thus relational. 'Past', however, also refers to events which have already happened, and which, as they happened, were clearly independent of our present, since anything constituting that present was yet to come.
- 4 There is indeterminacy in language. This is clear, for instance, in Austin's treatment of meaning, which may, according to him, depend on subsequent perlocutionary uptake. This insight is formalized in Conversation Analysis in the structural notion of adjacency pairs where the identity of parts is relational. But are there in fact two kinds of indeterminacy? One that is anticipated (there are in it structural points of incompleteness, which await uptake that provides them with alternative identities), and one where an apparently closed action changes its identity as a function of what transpires subsequently?
- 5 We are not denying that there is indeterminacy about actions, though the fact that there is involves nothing remarkable, and the fact that the identity of an action is not fully settled at the moment of its performance, is something that people comfortably live with. The issue is whether there is the kind of indeterminacy that Hacking envisages, one that has a rather metaphysical character.
- 6 Many communicative actions in particular are not fully determined at production since their illocutionary force depends on subsequent uptake (see Austin, 1962). The uptake is, however, typically an action too, so the same consideration applies, effectively resulting in an infinite regress. In practice there is of course no such regress, partly because the relevance of subsequent actions is constrained in various ways. If indeterminacy in ordinary interactions is constrained, is this also the case for actions that took place in the past? Our argument is that one constraint is a matter of grammar of temporal deixis.
- 7 Anscombe's argument in *Intention* is subtle, and it may be worth restating and exemplifying one of its main themes, insofar as that is relevant to this article in the attempt to anticipate and forestall misunderstanding. Anscombe's is a response to the philosophical problem of whether the fact that different descriptions of an action can be given entails that they are therefore descriptions of different actions.

Thus, I pull the trigger, I fire the gun, I hit the man in the chest, I kill him. How many actions are there here? Some philosophers think that there are four actions. Anscombe disputes this and insists that there is only one action (identified under different descriptions). These descriptions may be of two different kinds (at least), namely intentional and not. Thus, I may intentionally pull the trigger and fire the gun, but I certainly did not intend to hit the man at all, let alone kill him. So, there may be different kinds of descriptions of actions, and many different descriptions of one and the same action, provided, of course, that they correctly say what was done. No one of these descriptions is *the* description of the action, and these descriptions may stand in complicated relationships to one another; for example, one being 'swallowed up' in another as 'I shot him in the chest' swallows up 'I pulled the trigger and fired the gun'. It would be a mistake to imagine (as one of our anonymous reviewers did, attributing the same misunderstanding to Hacking) that there can be, in Anscombe's terms, a divergence between the action as described and the action as undertaken. The description (if it correctly identifies the action) describes what was actually done. If it does not report what was actually done, then it fails to describe the action in question. This is a logical point, and does not diminish any problems in correctly identifying an action in actual and complicated cases.

- 8 We are trying to expose the obscurity of what might seem a straightforward and intelligible assertion, so we do not want to deny that the issue would be somewhat different if we were dealing with 'recovered memory' cases, where the 'descriptions' do become available to the persons earlier involved in the actions, but they differ in ways that would only complicate the issue, not alter the fundamental problem.
- 9 See Alan White's (1979) 'Shooting, Killing and Fatally Wounding' for a definitive disposal of this problem.
- 10 'May be subsumed' is preferred here to avoid the risk of the kind of misunderstanding Hacking gets into – speaking of the description 'under which the action may be done' could misleadingly suggest that the perpetrator is doing the action with that description in mind, when, of course, it merely means that this is a description that may truly be given of the action, regardless of whether the perpetrator had that description in mind. Cases in which having that description in mind is essential to its identification as that action are a subset only.
- 11 In general, of course, accuracy and correctness are not the only criteria of something's being a description, otherwise descriptions would not be different from explanations, predictions, etc., which also should be correct and true. The other criteria make it possible to have a 'false description'.
- 12 The 19th-century description of Socrates' action does not eliminate Socrates' own description, but revises its status, treating it as symptomatic rather than autobiographical. To ask the question as a reviewer did: 'Is there just one action under two descriptions in the case of the Socrates example?' The question is asked on the grounds that 'I can think of two, very different, descriptions: Plato's and the 19th-century psychiatric description. . . . Thinking that you're hearing a voice is not the same as hearing a voice. The *actions* (if we can be permitted to speak of both instances as actions) differ.' This is to misunderstand Anscombe's arguments in just the way that we are claiming Hacking does. Take the case of the 'I shot, I

- fired, I hit, I killed' above. These are all, in Anscombe's terms, 'different descriptions' of one and the same action. It would be a misunderstanding to think that 'My shot was fatal' and 'The man survived the injury I inflicted' could be 'different descriptions' in the same sense. The single shooting that the first collection of predicates identifies cannot be the same action as the one that 'The injured man survived' would pick out. The fact that people might advance *conflicting* descriptions of the same action does not at all affect Anscombe's or our point. This kind of misunderstanding of the way in which descriptions identify actions is, we would further claim, very widespread, and its prevalence indicates why the extent to which difficulties in social science arise from confusions about the relation between description and redescription is grievously underestimated.
- 13 There are possibly, but not necessarily, two different actions, under two different descriptions, with different deictic properties. But then, what could it possibly mean for the same person to be simultaneously doing two radically different actions?
- 14 In his *The Structure of Scientific Revolutions*, Thomas Kuhn raises the question of whether it makes sense to say that Joseph Priestley held 'oxygen' in his hands, when he thought he had a vial of dephlogisticated air (Kuhn, 1996: 53–4 and see Sharrock and Read, in press). The question almost answers itself, insofar as Priestley is described as having 'thought' he held a vial of dephlogisticated air, which indicates that the description Priestley gave of what he held in his hands is not a description we would now give. More basically, though, the right way to respond to the question 'Does it make sense to say that Priestley held oxygen in his hands' is to refuse to take this as a yes/no question, but to say 'It depends'. Kuhn's concern arises from his argument that discovery is (or can be) a protracted matter in science. To say, straight out, that Priestley held a sample of oxygen in his hands would be to overstate Priestley's contribution to the discovery of oxygen. Priestley had isolated a phenomenon, but that, for Kuhn, is only part of an important scientific discovery, and Priestley had not made the conceptual innovation that can be another crucial element in discovery. The identification of the gas that Priestley had isolated as oxygen involved other and later contributions to the discovery. Hence, if we seek to describe what Priestley was doing in terms that he could understand, then we certainly cannot use 'oxygen' to express it. But there is nothing wrong with saying that Priestley held a sample of oxygen in his hands *so long as it is clear* that we are not describing how Priestley understood what he had done, but are using the latter formulation to highlight the connection between Priestley's achievement and later contributions to the discovery of oxygen. Priestley had isolated the gas that later would be called oxygen, and it was that gas (not some other gas or substance) that he held in his hands and called 'dephlogisticated air'. Kuhn was not against hindsight, and the use of it in describing what happened in earlier science, merely against exclusive, excessive and misplaced reliance on that.
- 15 To propose, as a reviewer of this article has done, that 'The terms "child" and "abuse" are, after all, familiar enough across the temporal gap, and it would be possible to describe abusive things done to children even though a specific list of "child abuse" offences had not yet been formally codified', begs the response that 'mass', 'equals', 'speed', 'light', 'square', 'energy' are all long-standing English

- words and that, therefore, no one in the 19th century should have had any trouble with Einstein's equation. It is not a matter of what words you have, but of what those words can be used to say, of what kind of context is necessary for them to convey the meaning that 'child abuse' now has. Just putting the words 'child' and 'abuse' together does not give you the contemporary concept of 'child abuse'. To say 'The difference between now and the 1950s is, perhaps, that "sexual harassment" is institutionally established' hardly controverts this latter assertion, but rather reinforces it. However, since we are arguing logical points, we are not taking any position on the historical question of how remote 1950s concepts might be from our own. That it might in fact have been too difficult to get someone then to see the kinship of what they did and of what we do now is immaterial to the issues.
- 16 In 1950, it could not be truly said of anyone that he or she had performed an act of sexual harassment, but that is because the accusation could not even be intelligibly formed in those terms. It could not be truly said, just because it could not be said.
 - 17 We are not taking a position on this, merely reviewing the logical possibilities.
 - 18 We are aware that there are those who would dissent from this, but we are not trying to review the rights and wrongs of, for example, condemning paedophilia, but only the logical options.
 - 19 In fact, studying retrospective psychiatry, we observed an interesting gambit – visionaries were initially diagnosed as psychologically ill on the grounds of their visions and to cope with the argument that their conduct was locally rational resulted in side-stepping and judging the times as inadequate (see Leudar and Thomas, 2000: Ch. 1).
 - 20 We are inclined to think that this latter suggestion, that the retroactive re-description and re-experience of human actions is the most difficult of topics, tends to show that confusion is involved here, for why should the re-description and re-experience of actions be any more difficult a topic than that of the description of the actions and of the experience involved? The 're-description' of actions really is only one kind of description of actions.
 - 21 It is by pointing out that the same action can be of many different kinds that Alan White attempts to dispose of the 'how many actions' question. See his 'Shooting, Killing and Fatally Wounding'.

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BIOGRAPHICAL NOTES

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