

Breaking the Causal Chain? Temporal Condition and Weak Intervening Causes

Peng-Hsiang Wang¹ & Linton Wang²

¹Institutum Iurisprudentiae, Academia Sinica, Taiwan

²Department of Philosophy, National Chung Cheng University, Taiwan

Abstract

According to the legal doctrine of intervening cause, a free, deliberate, and informed human action breaks the causal chain between the defendant's wrongful conduct and the resulting harm, thereby relieving the defendant of causal responsibility. However, this doctrine raises a puzzle: if there is a causal chain from the defendant's act to the ultimate harm, how can that chain be broken by the intervention of a later agent's action? We have argued that this puzzle can be dissolved by treating intervening actions as actual interventions in the sense of Pearl's do-operator, which render the intermediate variable causally independent of its antecedents in the causal chain.

This paper extends our account by examining the role of the temporal condition — the requirement that an intervening cause must occur between the defendant's act and the resulting harm — in cases of weak intervening causes, where the intervening action does not fully eliminate the causal influence of the defendant's prior act. At first, we use causal modelling to analyze the causal structure of weak intervening causes, showing that in such cases the defendant's act can cause the harm only when the later intervening event occurs, because both jointly contribute to the outcome.

Based on this analysis, we then explain why the temporal condition plays an indispensable role through two complementary considerations. First, the temporal ordering of events gives rise to an epistemic asymmetry: the intervening agent, acting after the defendant, possesses fuller information about the actual situation and thereby exercises greater control over the subsequent course of events. Second, and more fundamentally, the temporal condition connects to the distinction between causes and background conditions in causal reasoning: since causing harm typically involves too

many factors to be tractable, past events that are no longer manipulable are often relegated to background conditions once a deliberate action has intervened.

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