

# Evaluating the Uncooperativeness Solution to the Mismatch Problem

## Abstract

The mismatch problem for consequentialism arises whenever the theory delivers mismatched verdicts between a group act and the individual acts that compose it. Several philosophers have suggested that the problem can be resolved by modifying consequentialism in order to condemn uncooperativeness. As I explain in this paper, this strategy does not succeed as a general solution to the problem. There are versions of the problem case that do not involve uncooperative individuals.

keywords: collective action, consequentialism, uncooperativeness

## 1 Introduction

In many familiar cases, a group of people acts together to bring about a bad outcome, and though the group could have done something much better, no individual member of the group could have done any better. We find examples of such situations in the tragedy of the commons, in certain voting cases, and in anthropogenic climate change, to name a few. In connection with such cases, consequentialism apparently delivers mismatched verdicts; the theory paradoxically condemns what the group does without being able to say anything against what the individuals have done. (I give a more precise characterization of the problem in the next section.)

Several philosophers have suggested that consequentialistic moral theory is capable of condemning the individuals in such cases. It is commonly assumed that an essential feature of such cases is the failure of individuals to cooperate. And, recognizing this, several consequentialists have suggested that uncooperativeness constitutes a moral failing; they have

suggested that consequentialists should condemn the individuals on this basis.<sup>1</sup> Unfortunately, as I explain in this paper, this strategy does not work for all versions of the problem case. In section 2, I present the uncooperativeness solution. Then, in section 3, I offer a slightly modified version of the problem case to illustrate why the appeal to uncooperativeness fails as a general solution to the problem.

## 2 The Uncooperativeness Solution

It will be helpful to center our discussion on a particular case of the sort under consideration.

Two Voters: Dr. Mediocre and Professor Beneficent are the two candidates up for public election, and Beneficent is by far the superior candidate. It's best if Beneficent wins, second-best if Mediocre wins, and worst if the vote results in a tie, in which case no one wins. Vincent and Virgil are the only two voters in the election. Vincent is determined to see Mediocre elected, and so he votes for Mediocre. Furthermore, Vincent is uncooperative: he would vote for Mediocre even were Virgil to vote for Beneficent. Similarly, Virgil is determined to see Mediocre elected, and he's uncooperative as well; he too votes for Mediocre, and he would do so even were Vincent to vote for Beneficent. Accordingly, the inferior candidate, Mediocre, receives two votes and wins the election.

In Two Voters, Vincent and Virgil could have together elected the better candidate. But neither of the individuals would have done his part in the best pattern of collective behavior had the other done his part in it. Had either one of them cast his vote for the better candidate, it would have resulted in the worst possible outcome, a split vote. That's because the other still would have voted for Mediocre. So Two Voters is a problem case of the sort under consideration: a group of people acts together to bring about a bad outcome, and

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<sup>1</sup>These philosophers include Zimmerman (1996), Kierland (2006), Jackson (1997), and Pinkert (2015).

though the group could have done something much better, no individual member of the group could have done any better.

According to *Act Consequentialism*, an act is morally permissible just in case there's no alternative with a better outcome. In Two Voters, neither Vincent nor Virgil has an alternative with a better outcome. Had Vincent voted Beneficent, Virgil still would have voted Mediocre, and the result would have been worse. Had Virgil voted Beneficent, Vincent still would have voted Mediocre, and the result would have been worse. Thus, given what the other would do, casting a vote for Mediocre is the best that either can do. So each individual act is morally permissible according to Act Consequentialism. On the other hand, the two voters together could have both voted for Beneficent, which would have resulted in a better outcome. Thus, the group has acted wrongly according to Act Consequentialism. Problematically, two individual rights make a collective wrong in Two Voters. Act Consequentialism delivers mismatched verdicts between how Vincent and Virgil act as individuals and how their group acts.

Notice that, in stating the problem this way, I assume that group acts are candidates for moral evaluation under Act Consequentialism. Some may be reluctant to attribute deontic status to the actions of groups. But even these people may take issue with how Act Consequentialism handles Two Voters. Cases like Two Voters lead Parfit to conclude that Act Consequentialism is indeterminate: the theory sometimes fails to direct individuals toward the best outcome that they could collectively bring about.<sup>2</sup> There are two possible configurations of individual acts under which each of Vincent and Virgil acts permissibly under Act Consequentialism. The first is the actual configuration under which each votes for Mediocre. The second is the configuration under which each votes for Beneficent. Since either configuration has both individuals satisfying Act Consequentialism, the theory doesn't direct the individuals away from the suboptimal collective pattern of behavior. In this paper, I assume that indeterminacy is a problem because it means that in some cases Act

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<sup>2</sup>See section 21 of Parfit (1984).

Consequentialism delivers mismatched verdicts between a group-level evaluation and the individual-level evaluations. In cases like Two Voters, the group act is morally impermissible, but each individual act is morally permissible.<sup>3</sup>

It is perhaps well-known to those familiar with the mismatch problem that Two Voters and structurally similar cases have resisted a tidy and satisfactory solution. Starting with Donald Regan's and Derek Parfit's influential discussions, a number of philosophers have tried to deal with the problem by adding some additional elements to their consequentialist theories.<sup>4</sup> Regan suggested that an individual may act wrongly if he or she fails to engage in a specific procedure meant to identify potential cooperators and pursue optimal outcomes with them. Parfit suggested that an individual may act wrongly because he or she belongs to a group that acts wrongly. Other philosophers have suggested adopting some expected utility formulation of Act Consequentialism.<sup>5</sup> Each attempted solution involves abandoning plain old Act Consequentialism. A modified version of the theory takes its place. Under the modified theory, each of Vincent and Virgil acts wrongly. It is beyond the scope of the present paper to identify the deficiencies in each of the foregoing approaches.<sup>6</sup> Instead, this paper is concerned with a (relatively recent) form of attempted solution that has not received

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<sup>3</sup>Note also that there's a different—but equivalent—way of presenting the problem. Many philosophers believe that morality has a social function: if every person in some group does all that is required of him or her by morality, then the result will be the morally best outcome attainable by the group. Apparently, Baier (1958) and Castaneda (1974) are proponents of this idea. It's natural to think that this so-called 'principle of moral harmony' is a basic requirement on all moral theories. See Feldman (1980), Kierland (2006), Pinkert (2015), and Portmore (2016) for discussion. But Two Voters reveals that Act Consequentialism violates the principle of moral harmony. Vincent and Virgil together have the option of producing a world in which Beneficent wins the election. From the perspective of consequentialism, this is the morally best world attainable by the group. But Vincent and Virgil together are not guaranteed to actualize this world when each of Vincent and Virgil acts permissibly according to Act Consequentialism.

It's important to see that Act Consequentialism violates the principle of moral harmony just in case the group could have done better though no individual member of the group could have done any better. But in precisely these cases, Act Consequentialism will deliver mismatched verdicts between how the individuals act and how the group acts. So it will suffice for our purposes here to assume that the problem of mismatched verdicts that besets Act Consequentialism in connection with Two Voters is equivalent to the problem concerning Act Consequentialism's violation of the principle of moral harmony.

<sup>4</sup>The influential discussions are found in Regan (1980) and Parfit (1984).

<sup>5</sup>See Singer (1980), (Norcross, 2004, 232-233), and Kagan (2011) for this approach in connection with factory-farming cases that are structurally similar to Two Voters.

<sup>6</sup>Interested readers may see Pinkert (2015) for an excellent survey of some of the problems that beset the approaches outlined in this paragraph.

much critical attention.<sup>7</sup>

The attempted solution involves condemning each of Vincent and Virgil for being uncooperative. In his 1996 book, Michael Zimmerman faults each of Vincent and Virgil for being ‘intransigent’—that is, having the disposition to act in one and the same way no matter how others will act. Each of Vincent and Virgil votes for Mediocre with intransigence; each would vote for Mediocre even were the other to perform the act that would be required to elect Beneficent. Thus, according to Zimmerman, the solution “is in outline simply (and unsurprisingly) this: one’s moral obligation is to do the best one can while avoiding intransigence; that is (to coin a term), one ought *transigently* to do the best one can.” Doing the best one can must be accompanied by the adoption of a certain *attitude*.”<sup>8</sup> In a 2006 article, Brian Kierland also faults each of Vincent and Virgil for failing to possess the attitude in question: “Lacking such an attitude, there will be circumstances in which an agent will not be disposed to maximally promote deontic value; these will be circumstances in which the agent has the opportunity for cooperating with others in the promotion of deontic value. . . . So Vincent and Virgil are each subject to negative agent evaluation in virtue of each failing to possess an attitude of cooperativeness.”<sup>9</sup>

Similar suggestions have been made in connection with structurally equivalent cases. In a 1997 essay, Frank Jackson offers the following suggestion for how to fault two intransigent sharp-shooters *X* and *Y* who overdetermine my death: “although consequentialists should say that *X* and *Y* do nothing wrong, they can and should say that *X* and *Y* are people of bad character in that in a certain case they would have done wrong.”<sup>10</sup> And most recently (2015), Felix Pinkert has defended the same sort of approach in connection with a case in which two factory owners, Ann and Ben, overdetermine the pollution of a river. Pinkert notes that “by being agents who would pollute even if the other agent produced cleanly, Ann

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<sup>7</sup>As far as I am aware, criticism of the approach is limited to Forcehimes and Semrau (2015). I advance a different line of criticism here.

<sup>8</sup>(Zimmerman, 1996, 263)

<sup>9</sup>(Kierland, 2006, 400-401)

<sup>10</sup>(Jackson, 1997, 50)

and Ben make it impossible for each other to achieve better outcomes by acting differently. A moral principle that condemns such uncooperativeness then finds fault in cases where Act Consequentialism cannot do so.”<sup>11</sup>

Each of these writers seems to be proposing essentially the same solution to the mismatch problem for Act Consequentialism. A clause may be added to plain old Act Consequentialism so that an individual faces negative moral evaluation in some choice situation if he or she is uncooperative in that situation. In *Two Voters* and the related cases, the individuals are uncooperative, so they face negative moral evaluation after all.

Some clarifications are in order. First, it is important to note that ‘uncooperative’ here is a somewhat technical notion. We might try to capture the notion like this: an agent is uncooperative just in case the agent would bring about a suboptimal outcome were others to act differently.<sup>12</sup> But this characterization is too strong—it makes it too difficult to be cooperative. There are perhaps infinitely many ways in which others might act in some situation. For you to be cooperative, you would need to be disposed to act optimally in response to all of these possible configurations of acts. This is too stringent a requirement. Furthermore, it’s a much stronger requirement than is necessary to identify a morally objectionable character trait in each of *Vincent* and *Virgil*.

Under a more plausible characterization—and the one I adopt here—an agent is uncooperative in some choice situation just in case the agent is disposed to not play his or her part in the optimal collective pattern of behavior in that situation. We first identify the optimal group act in some situation, and we then consider what each individual would have to do to perform his or her part in the group act. An individual is uncooperative just in case the agent would fail to do his or her part in the optimal collective pattern of behavior were all others to play their parts in it. This characterization makes the requirement to be cooperative more straightforward: simply be such that you would help to bring about the

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<sup>11</sup>(Pinkert, 2015, 981-982)

<sup>12</sup>This, for example, is how the idea is officially stated in (Pinkert, 2015, 982): “for all possible combinations of the actions of other agents, if that combination were instantiated, [a cooperative agent] would act optimally in these circumstances”.

best collective outcome were it possible for you to do so.

To see precisely why Vincent is uncooperative in Two Voters, consider the counterfactual situation in which Virgil casts his vote for Beneficent. In this situation, Virgil does his part in the optimal group act. But as is stipulated in Two Voters, Vincent still votes for Mediocre. Accordingly, though Vincent does his best in the actual world, he fails to do his best in the relevant nearby worlds. Since Virgil similarly brings about a suboptimal outcome in those counterfactual situations in which Vincent votes Beneficent, Virgil is uncooperative as well.

It is also important to be clear about the nature of the negative moral evaluation that would accompany an agent's being uncooperative under the proposed solution. Apparently, only Zimmerman makes it morally obligatory to act with cooperativeness. Kierland, Jackson, and Pinkert on the other hand are talking about agent evaluation as opposed to act evaluation. They make cooperativeness a requirement of good character, not of morally permissible behavior.<sup>13</sup> Accordingly, the latter three commentators pursue a 'solution' that does not address the problem with which we are presently concerned. The mismatch problem arises in connection with Two Voters because Act Consequentialism says that the group *acts wrongly*, but it cannot say that either of Vincent or Virgil *acts wrongly*. Thus, a satisfactory solution to the mismatch problem must be in terms of act evaluation: Act Consequentialism must be modified in such a way that at least one of Vincent and Virgil is said to act wrongly. Saddling the voters with bad character doesn't go far enough; it still leaves an unsatisfying mismatch between wrong group behavior and permissible individual behavior.

However, for the purpose of giving a general criticism of the uncooperativeness approach, we may blur the distinction between act evaluation and agent evaluation in what follows. Let *Disposition Consequentialism* be the view that an agent has a good disposition just in

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<sup>13</sup>Kierland (2006) makes this a central feature of his discussion. He believes that the focus on agent evaluation distinguishes his approach from that found in Zimmerman (1996). (Jackson, 1997, 50) explicitly states of the overdetermined sharpshooters that "the case displays immorality, but immorality of character rather than immorality of action". (Pinkert, 2015, 987) also makes it clear that he is focused on agent evaluation: "[Ann's and Ben's] uncooperativeness shows that there is something wrong with them as moral agents: They do not satisfy the demands of Act Consequentialism modally robustly, and this shows that they do not appropriately and effectively care about the livelihoods of the workers and fishermen. ... Ann and Ben thus each individually show a morally problematic character trait."

case the agent would do his or her part in the optimal collective pattern of behavior were all others to do their parts in it. According to *Act Consequentialism + Disposition Consequentialism* (ACD), an agent escapes negative moral evaluation in some situation just in case the agent satisfies both Act Consequentialism and Disposition Consequentialism. According to Zimmerman, we may understand the negative moral evaluation squarely in terms of act evaluation. The Zimmerman-inspired approach would resolve the mismatch problem. According to Kierland, Jackson, and Pinkert, on the other hand, we are to understand the negative moral evaluation as more complex—as encompassing act evaluation at the group level and agent evaluation at the level of the individuals.

In the next section, I demonstrate that, however we understand the negative moral evaluation, there is a simple variation of Two Voters under which neither Vincent nor Virgil is subject to it.

### 3 The Mismatch Problem for ACD

#### 3.1 Two Voters+

The mismatch problem for Act Consequentialism arises in Two Voters because each individual act lacks an alternative with a better outcome. It is commonly assumed that this happens only when the individuals are mutually uncooperative. But we need not make this assumption. To see this, consider a variation of the Two Voters case:

Two Voters+: Mediocre and Beneficent are the two candidates up for public election, and Beneficent is by far the superior candidate. Vincent and Virgil are the only two voters in the election, and it takes two votes for the same candidate to get that candidate elected. Each voter will cast a vote for Mediocre. A mechanical defect in the voting machines means that the options available to each voter are restricted based upon how the other will in fact vote: the machines accept either two Mediocre votes or two Beneficent votes, but no split votes. Since



Virgil will in fact cast a vote for Mediocre, it turns out that Vincent *cannot* cast a vote for Beneficent. Similarly, since Vincent will in fact cast a vote for Mediocre, it turns out that Virgil *cannot* cast a vote for Beneficent either. Each would have cast a vote for Beneficent were the other to have cast a vote for Beneficent. But given how the other will in fact vote, neither can cast a vote for Beneficent.

We may represent the situation in Two Voters+ by Table 1. We are not to think that some

	Vincent votes Beneficent	<b>Vincent votes Mediocre</b>
Virgil votes Beneficent	<i>best</i>	IMPOSSIBLE
<b>Virgil votes Mediocre</b>	IMPOSSIBLE	<i>worst</i>

Table 1: the possible outcomes in Two Voters+

third actor has sabotaged the machines. This would potentially introduce a morally wrong individual act into the case. Instead, the machines come to have the defect through some natural cause. Accordingly, the only relevant acts and outcomes are those represented in Table 1.

Notice that there’s no possibility of a split vote in Two Voters+. What Vincent actually does is represented in bold in the very top row. Given that Virgil actually votes for Mediocre, Vincent could not have voted for the other candidate. Similarly, given that Vincent actually votes Mediocre, Virgil could not have voted otherwise. There are nonetheless two possible outcomes. In those worlds in which Vincent and Virgil both will vote for Beneficent, the *best* candidate wins. In those worlds in which both will vote for Mediocre—and this includes the actual world—the *worst* candidate wins. Each of these two outcomes is accessible to the group; the group could have brought about either of them. The group actually brings about the *worst* outcome in the bottom right box (in bold), but it could have brought about the better outcome in the top left box had both Vincent and Virgil voted differently.

It may be helpful to think about the situation in Two Voters+ in terms of two actors mutually restricting each other’s options. By his actually voting for Mediocre, Vincent makes it so that Virgil is unable to vote for a different candidate. And Virgil returns the favor.

By his actually voting for Mediocre, Virgil makes it so that Vincent is unable to vote for a different candidate. Of course, each individual voter has perhaps thousands of alternatives in Two Voters+. Perhaps Vincent votes for Mediocre with his right hand. He could instead vote for Mediocre with his left hand. He could vote with either a frown on his face or with a beaming smile. But the crucial point is that none of his alternatives incorporates his voting for Beneficent. Similarly, none of Virgil's alternatives incorporates his voting for Beneficent either.

Notice that Two Voters+ gives rise to the problem of mismatched verdicts for Act Consequentialism. The group act, casting two votes for Mediocre, has an alternative with a better outcome. Accordingly, the group act is morally impermissible. But no individual has an alternative with a better outcome: in fact, no individual has an alternative with an outcome that differs in an axiologically relevant way from the outcome that actually results—each is forced to cast a vote for Mediocre, in tandem with the other. Thus, each individual act is morally permissible in Two Voters+. Two rights make a wrong under Act Consequentialism. So Two Voters+ is a version of the problem case that we should expect ACD to resolve.

And yet each individual voter escapes negative moral evaluation under ACD. The optimal group act has both voters casting votes for Beneficent. Each voter would do his part in this act were the other to do his part in it. Consider the counterfactual situation in which Vincent casts a vote for Beneficent. In that situation, as stipulated by the case, Virgil also votes for Beneficent; since the machines are rigged together, there are no worlds containing a split vote. (Mutatis mutandis for how Vincent would act in the relevant counterfactual situation.) So each voter is cooperative in the required sense. Thus, ACD cannot resolve the mismatched verdicts that Act Consequentialism delivers in Two Voters+.

### **3.2 What's Going on in Two Voters+?**

Advocates of the uncooperativeness solution will want to resist my characterization of Two Voters+. In particular, it may be objected that the case rests on shaky metaphysical as-

sumptions about groups, acts, and alternatives. The case requires that Vincent and Virgil together have an alternative that neither can perform his part in. This may strike some as implausible. So what I will offer in this section is a way of more precisely explaining how the configuration of group and individual alternatives represented in Table 1 is possible. In what follows, I will introduce some temporal elements into the description of Two Voters+. Focusing on the temporal dimensions of the case will illustrate more clearly how it is that the alternatives of the individuals can be mutually dependent on each other in the required way. It will also help us to home in on exactly why Two Voters+ gives rise to the mismatch problem for ACD.

To begin, note that almost all presentations of the mismatch problem involving two individuals have them acting independently of each other: each could act in one of two significantly different ways, regardless of how the other would act.<sup>14</sup> This generates an array of four possible group acts. But the stipulation that the actions available to the individuals are entirely independent from each other is an unfortunate artifact of traditional presentations of the problem, and it is not essential. The essential feature is that a group pursues a suboptimal outcome, but each individual member could not have performed an act that would have resulted in a better outcome. We may capture this essential feature with situations involving an array of two group acts, such as in Two Voters+. In these situations, the individuals' alternatives are dependent on each other; the individuals must perform their acts in tandem along one of two possible courses.

One way to explain how the individual acts in Two Voters+ are dependent on each other is to have them take place over two stages in time. To see this, let's imagine that the Beneficent buttons work like this. First, each voter must depress his Beneficent button halfway. If both buttons are pressed in this way, then a mechanism in the machine unlocks, allowing the two buttons to be depressed completely. Only when both buttons are completely

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<sup>14</sup>This feature of such cases apparently goes at least as far back as Gibbard (1965). Gibbard's example involves two actors who are "placed in separate isolation booths, so that the actions of one can have no influence at all on the actions of the other." (Gibbard, 1965, 214)

depressed do the machines register votes for Beneficent. Suppose that the Mediocre buttons work in a similar manner. This is why split votes are impossible. If Vincent depresses his Mediocre button halfway while Virgil depresses his Beneficent button halfway, there is no way for either voter to completely depress his button. Accordingly, the machines cannot register one vote for Mediocre and one vote for Beneficent.

Intuitively, the group can completely depress both Beneficent buttons, bringing the buttons first down to the halfway level, and then from halfway down to flush with the console. But suppose that neither voter is going to press his Beneficent button halfway. If we attend carefully to the temporal elements of the case, we see that the group has an alternative such that no individual member of the group has as an alternative his part in it. The group's alternative spans two stages. During the 'preparation stage', which would take place at  $t_1$ , both members of the group depress their Beneficent buttons halfway. During the 'fruition stage', which would take place at  $t_2$ , both members depress their Beneficent buttons from halfway down to flush with the console. We may describe the whole thing, which would take place from  $t_1$  to  $t_2$ , as the group's 'casting two votes for Beneficent'.

Since neither voter is going to participate in the preparation stage of the group's casting two votes for Beneficent, neither Vincent nor Virgil has as an alternative his part in the fruition stage of the group's alternative. To fill this in, imagine that each voter is quick to press his Mediocre button if he finds his Beneficent button stuck at  $t_1$ , and suppose that this is a reflex outside of his control. Suppose that each would depress his Mediocre button halfway at  $t_1$  even if the other were to depress his Beneficent button halfway at  $t_1$ . Then if just one of them depresses his Beneficent button halfway at  $t_1$ , it will turn out that each will ultimately cast a vote for Mediocre. To cast a vote for Beneficent, Vincent would have to perform an act like this: at  $t_1$ , he presses his Beneficent button halfway, and at  $t_2$  he continues depressing the button until it is flush with the console. Since Virgil is not going to press his Beneficent button halfway at  $t_1$ , Vincent would not be able to continue depressing his Beneficent button at  $t_2$ . That is, Vincent does not have an alternative in which he casts

a vote for Beneficent. Neither does Virgil. Thus, Two Voters+ has the following profile of individual and group alternatives: neither Vincent nor Virgil has casting a vote for Beneficent as an alternative, but the group has casting two votes for Beneficent as an alternative.

Under these conditions, notice that in all of the nearest worlds in which either casts a vote for Beneficent, the other does too. Remember that the performance of casting a vote for Beneficent comprises two stages: at  $t_1$  Virgil presses his Beneficent button halfway, and at  $t_2$  he continues depressing the button until it is flush with the console. In all the nearby worlds in which Virgil does this, Vincent presses his Mediocre button halfway at  $t_1$ , but then realizes that the button is locked. Since it is stipulated that Virgil continues depressing his Beneficent button at  $t_2$  in all these worlds, it must be that in the time between  $t_1$  and  $t_2$  Vincent eventually switches to pressing his Beneficent button to the halfway point, thereby unlocking both buttons. We are evaluating the counterfactual by holding fixed that Virgil casts a vote for Beneficent. So in all nearby worlds in which Virgil casts a vote for Beneficent, so too does Vincent. This counterfactual relationship among the group's alternatives and the individual alternatives is what stymies ACD from delivering the desired condemnation of each individual. Each voter would end up participating in the optimal group act were it possible for him to do so.

### **3.3 Isn't There Still *Some* Uncooperativeness in Two Voters+?**

But now, by reflecting on this newly revealed temporal aspect of Two Voters+, an advocate of ACD may suggest at least one way in which the theory avoids giving mismatched verdicts: each voter is uncooperative during the preparation stage of the group's casting two votes for Mediocre. Each voter depresses his Mediocre button halfway at  $t_1$ , and he would do so even were the other to depress his Beneficent button halfway at  $t_1$ . But this means that each voter actively constrains the other's voting options, which results in a suboptimal group act being performed. So if we focus on the temporal slice of Two Voters+ that takes place just

at  $t_1$ , we see that ACD does not encounter a mismatch problem there.<sup>15</sup>

I believe this insight does not resolve the mismatch problem for Two Voters+. To see this, it will be important to identify precisely *when* each individual is uncooperative. If we clarify exactly how ACD avoids the problem of mismatched verdicts at  $t_1$ , we see why it doesn't follow that ACD steers clear of the problem in Two Voters+.

Consider the possible configurations of individual behavior at  $t_1$ , which we may represent in Table 2. For each combination of halfway button depressing at  $t_1$ , we see what the group would end up doing during the time interval from  $t_1$  through  $t_2$ . Vincent and Virgil actually

	Vincent depresses his B button halfway at $t_1$	<b>Vincent depresses his M button halfway at <math>t_1</math></b>
Virgil depresses his B button halfway at $t_1$	the group casts two votes for Beneficent	the group casts two votes for Mediocre
<b>Virgil depresses his M button halfway at <math>t_1</math></b>	the group casts two votes for Mediocre	<i>the group casts two votes for Mediocre</i>

Table 2: different configurations of individual behavior at  $t_1$

perform the bolded pieces of behavior at  $t_1$ . The result is that their group in fact proceeds to perform the italicized act in the bottom right box. Each voter could have depressed his Beneficent button halfway at  $t_1$  instead. But had he done so, the other still would have depressed his Mediocre button halfway at  $t_1$ . Accordingly, neither can get the group to perform the optimal group act in the top left box.

Thus, there is a version of the mismatch problem for Act Consequentialism that's represented in Table 2. We may see the little piece of group behavior at  $t_1$  as morally wrong according to Act Consequentialism. It brings about the group act in the bottom right box (which results in a suboptimal outcome), though it could have brought about the group act in the top left box (which results in the best outcome). But we may see each little bit of individual behavior at  $t_1$  as permissible according to Act Consequentialism. Had Vincent behaved differently at  $t_1$ , Virgil still would have depressed his Mediocre button halfway at  $t_1$ . The result would have been the same group act (resulting in the same suboptimal outcome)

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<sup>15</sup>I want to thank [ ] for raising this important objection.

as in the actual world. The same goes for Virgil.

ACD resolves this Table 2 version of the mismatch problem. The optimal piece of group behavior at  $t_1$  is both voters depressing their Beneficent buttons halfway at  $t_1$ . Had Virgil done his part in this piece of group behavior, Vincent still would have depressed his Mediocre button halfway at  $t_1$ . So Vincent is uncooperative. Similarly, Virgil is uncooperative. By focusing only on the preparation stage of Two Voters+, we see that each voter behaves in such a way as to be subject to negative moral evaluation under ACD at  $t_1$ .

Notice, however, that we may distinguish between Two Voters+ and the case just described. Two Voters+ centers on individual acts performed in the time spanning  $t_1$  and  $t_2$ : each voter's casting a vote for Mediocre begins at  $t_1$  with his pressing his Mediocre button halfway and ends at  $t_2$  with his completely depressing his Mediocre button. Each component individual act is performed over two stages in Two Voters+, as opposed to the smaller temporal pieces of individual behavior represented in the choice situation in Table 2. Thus, the case in Table 2 is merely a temporal slice of Two Voters+. And simply because ACD avoids mismatched verdicts for a temporal slice of a case, it doesn't follow that ACD steers clear of a mismatch for the parent case.

The key point is that an individual may be cooperative with respect to a group act and yet uncooperative with respect to a smaller temporal chunk of the group act. In Two Voters+, the optimal group act spans a certain length of time. During the performance of that temporally extended group act, each voter would do his part were the other to do his part. So each voter is cooperative in Two Voters+. On the other hand, each voter is uncooperative with respect to the situation in Table 2 in which the group act in Two Voters+ has not yet been performed.

This shows that for some mismatch problems that arise for ACD, the theory does not encounter a mismatch at an earlier time. But this does not mean that ACD works as a general solution to the mismatch problem for Act Consequentialism. We want a modification to Act Consequentialism that delivers concordant verdicts in Two Voters+. If ACD delivers

concordant verdicts during a small temporal piece of the Two Voters+ case, then this gives us only a piece of the solution that we are after.



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