



DISCUSSION NOTE

THE DIFFERENCE WE MAKE: A REPLY TO PINKERT

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Andrew T. Forcehimes and Luke Semrau

DO YOU HAVE REASON TO REDUCE your carbon emissions? The answer, it seems, depends on what others do. If concerted, our efforts to mitigate the harms of climate change will be significant. If you act alone, your efforts will be merely costs. Examples with this structure are easily multiplied. Such *no-difference cases*, where no individual's contribution makes a difference, give rise to a troubling possibility. For any moral theory that treats deontic verdicts as a function of the consequences of an agent's actions offers no counsel. One's contribution does not matter morally. Since no one person makes a difference, no one person makes a moral difference. Call this the *no-difference problem*.

The no-difference problem is acute for:

Act Consequentialism (AC): For all persons, each person is permitted to do, of the available actions, only what will bring about the best outcome overall.

Even on an objective version of AC – where agents know all of the relevant facts – individuals seem to act permissibly when abstaining from beneficial collective actions.¹ This is the unwelcome product of AC's evaluative focus on the acts of individual agents. Of any individual who foregoes the personal cost of reducing her carbon emissions, we may truly say she does what is best. And what is true of one is true of all. The unfortunate result is that no single agent acts impermissibly, yet we, collectively, bring about a suboptimal outcome. This embarrasses a theory whose sole aim is optimization.

To solve the no-difference problem, AC needs to satisfy:

On-the-hook: In any collection of agents who together gratuitously fail to bring about collectively optimal outcomes, there must be some relevant morally objectionable facts about some of the agents.²

On-the-hook ensures that, in doing what a theory demands, we collectively bring about the best outcome. And when we, together, bring about a suboptimal outcome, at least one is condemned.

Recently, Felix Pinkert has proposed a solution to the no-difference problem for AC. He argues that AC should be supplemented with a requirement that agents' optimal acts be modally robust. We disagree.

In the first section, we elaborate on Pinkert's proposal, and in the second we argue that it should be rejected. Pinkert's proposal introduces more problems than it solves. But, we suggest, defenders of AC need not worry. In

¹ Unless noted, all references to AC will be references to objective AC.

² F. Pinkert (2015) "What If I Cannot Make a Difference (and Know It)," *Ethics* 125: 975. All unattributed page references are to this article.

the third section, drawing only on the resources of AC, we offer reason to think that the no-difference problem poses no threat.

1. Pinkert's Problem Case and Solution

Traditionally, the no-difference problem was thought to plague subjective AC. A lack of full information – when agents are uncertain that they make a difference – seems crucial in generating the problem.³ Pinkert maintains, however, that this assumed limited scope of the no-difference problem is a mistake. His approach is thus novel insofar as the no-difference case he formulates takes aim at objective AC.

Pinkert invites us to imagine *Two Factories*. Their managers, Ann and Ben, can either produce cleanly or pollute. The best outcome results from joint clean production. The second best results from joint pollution. A split decision is the worst. The choice situation, in schematic form, is this:

		Ben does	
		P	C
Ann does	P	2nd Best	Bad
	C	Bad	Best

A crucial stipulation, *intransigence*, adds that both will pollute regardless of what the other does. Ann and Ben know this and all other relevant facts.

In *Two Factories*, AC – even in its objective form – is thought to fall short. For, according to AC, each agent, individually, has most reason to do, of the available actions, only what will bring about the best outcome. But, under these conditions, Ann can do no better than pollute. Nor can Ben. Each acts, via intransigence, in a way sufficient to preclude the optimal outcome. Hence we cannot trace non-optimality to either — that is, since each will pollute regardless of what the other does, each ensures that the best outcome is unavailable to the other. Accordingly, if we ask of polluting Ann: Did Ann, individually, satisfy AC? We should answer: yes. And the same goes for Ben. Ann and Ben collectively produce a worse outcome than they might have. They gratuitously fall short of what is optimal. And yet, AC finds fault with neither. Two wrongs have made a right.

Pinkert's diagnosis of the problem points to the modal fragility of each agent's conformity with the demands of AC. It is only due to intransigence that both act rightly. Were Ann cooperative, as she is in many nearby possible worlds, then in those worlds Ben would act wrongly. Pinkert finds fault with Ben, not because Ben acts wrongly – he does not – but because he is such that he would act wrongly under similar counterfactual conditions. The

³ See, for example, S. Kagan (2011) "Do I Make a Difference?" *Philosophy and Public Affairs* 39: 128.

same is thought of Ann. Neither reliably conforms to the demands of AC. Their right action seems more the product of coincidence than character. And this is thought a failure. Thus, Pinkert prescribes a supplement:

Modally Robust AC: An agent ought to act optimally in the actual world, and be such that for all possible combinations of the actions of other agents, if that combination were instantiated, she would act optimally in these circumstances.

So supplemented, AC can satisfy on-the-hook. For, even while Ann and Ben conform to AC, neither does so reliably. We can condemn both for lacking a suitably robust disposition to act optimally.

In addition to satisfying on-the-hook, Pinkert claims that Modally Robust AC enjoys independent motivation. An agent who reliably acts rightly for the right reasons is morally superior to an agent who merely happens to perform the right action. As Pinkert writes, “there is something better about agents who reliably act morally and are sensitive to those facts which are morally relevant than about agents who merely always perform the right action” (985). To always act rightly is good. But to possess a character such that one does so reliably, in all counterfactual conditions, is better.

2. The Problem with Modally Robust AC

On Modally Robust AC, agents must meet two conditions. First, an agent ought to act optimally in the actual world. Call this condition *action*. Second, an agent ought to be such that for all possible combinations of the actions of other agents, if that combination were instantiated, she would act optimally in these circumstances. Call this condition *character*. Each of these conditions makes a demand; fail either, and one is on the hook. Pinkert’s proposal satisfies on-the-hook. But, we argue, it does so at unacceptable cost.

Moral theories that make multiple demands need to guarantee these demands cannot conflict. Modally Robust AC offers no such guarantee. The demands of *action* are exclusively act oriented. It tells an agent to perform the optimific act, whatever it is. There are, in other words, no constraints on what may be required by *action*. *Character* makes its own demands. It tells agents to be a certain way: to be disposed to act optimally in a range of possible worlds with different choice-sets. Can these conditions be jointly satisfied? The prospects are dim.

Character development is an exercise of agency. It involves acts. Hence, if Modally Robust AC hopes to avoid making conflicting demands, then in satisfying *action* one must also satisfy *character*. And in satisfying *character* one must also satisfy *action*. If the conditions make divergent demands, then the theory asks the impossible. With this in mind, consider:

Dirty Hands: While on a botanical expedition, you stumble upon a man preparing to kill 20 children. On the condition that you kill just one, he will kindly return the remaining 19 home to their parents. To satisfy *action*, you kill the child.

But the experience of killing a child is psychologically devastating. Your success depends on your desensitizing yourself to the innocent humanity before you. Meeting the demands of *action* corrupts your character in the actual world. Consequently, it ensures your failure to act rightly in many possible worlds. You cannot jointly satisfy *action* and *character*.

But the problems do not end here. Next consider:

Clean Hands: While on a botanical expedition, you stumble upon a man preparing to kill 20 children. On the condition that you kill just one, he will kindly return the remaining 19 home to their parents. To satisfy *character*, you do not kill the child.

You know that the experience of killing a child would be psychologically devastating. Your success would require desensitizing yourself to the humanity before you. Meeting the demands of *action* would corrupt your character in the actual world, and ensure your failure to act rightly in many possible worlds. You cannot satisfy *character* and *action*.

Worse still, such conflicts emerge in even the most mundane contexts. After all, the theory is modally robust. To satisfy the demands of *action*, perhaps Ann invests time and energy optimizing production at the factory, thereby securing the livelihood of her employees. But these resources could have instead been invested in her character. She may face great adversity in distant possible worlds. She should prepare herself. To satisfy the demands of *character*, perhaps Ben invests time and energy cultivating robust dispositions, thereby ensuring fortitude in the face of great adversity in distant possible worlds. But Ben could have instead used those resources to satisfy the demands of *action*, perhaps by warning the fishermen about the tragedy of the commons. Modally Robust AC appears insatiable. This is at odds with:

Escapable-hook: The requirements of a moral theory must be jointly satisfiable. Even if an agent can satisfy each requirement individually, a theory cannot demand the performance of jointly incompatible actions.

Escapable-hook is a widely shared commitment.⁴ Regardless of one's view of the possibility of genuine moral dilemmas, the sheer number generated by Modally Robust AC is a considerable cost. Too many agents are left inescapably on the hook.

3. The Problem with Two Factories

Pinkert's proposal aims to solve the no-difference problem in *Two Factories*. We have argued that his solution fails. Is AC doomed? We think not. We are skeptical that the case poses a genuine problem.

⁴ Though some deny it – most famously, B. Williams (1965) “Ethical Consistency,” *Proceedings of the Aristotelian Society, Supplementary Volumes* 39: 103-24.

What is thought to challenge AC is intransigence. As Pinkert rightly notes, “*Two Factories* becomes a challenge for Act Consequentialism only once we assume that Ann and Ben are both ‘uncooperative,’ that is, each would pollute even if the other produced cleanly” (974). To stipulate intransigence is unobjectionable. But we must be clear about how it features in the case. What accounts for intransigence? Either intransigence arises as the product of an exercise of agency, or it does not. We can dismiss the latter. If intransigence were empirically necessary, neither Ann nor Ben would be agents. No act would then be condemned, because no *act* would be performed. If *Two Factories* is to present a problem for AC, the case must feature an exercise of agency.

We suggest *Two Factories* is underdescribed. How Ann and Ben became intransigent is omitted. Two features of the case are again worth stressing: Intransigence ensures that each acts in a way independently sufficient to preclude the optimal outcome, and both act with the knowledge of the other’s intended act, but not on the basis of that act. What must be shown, if AC is to fail to satisfy on-the-hook, is that both agents, individually, act in accordance with what they have most reason to do: namely, of the available actions, whatever act brings about the best outcome overall. The critical question left out of the story is this: What are Ann’s and Ben’s reasons for intransigence?

Two plausible answers to the critical question are ruled out. First, looking back at how Ann and Ben became intransigent we may find a condemnable act for which AC puts them on the hook. Suppose Ann’s factory will pollute tomorrow unless she pushes a button located in the factory’s control center. If Ann, aware of her paralyzing ketchup phobia, arranges for the button to be lathered in it, then she is placed squarely on the hook for this act and her subsequent intransigence. Second, looking forward at the propagating consequence of intransigence, we may find the choice, in the long run, actually optimific. If Ben, whose diplomatic skills are unmatched, does not push because he is away negotiating a ceasefire with a belligerent rogue state, then his act, when all of its consequences are tallied, will prove unobjectionable.

Return to the thought that two wrongs can make a right. If Ann knows that Ben will be intransigent, then that she becomes intransigent does not matter. For, whatever her exercise of agency, she will, when assessed by AC, do what she has most reason to do. Polluting, after all, is what one should do in such a case. Ben’s intransigence supplies Ann with sufficient reason to pollute. So when she chooses to pollute it does not matter. Ben’s choice affords her an option that would otherwise be condemnable. And a similar story could be told about Ben. Once one agent knows of the other’s intransigence, their own choice to become intransigent makes no difference.

But how do we account for Ben’s non-condemnable intransigence? We cannot repeat the strategy, maintaining that Ben is non-condemnably intransigent because Ann is intransigent. For, if we do, we would be stuck arguing in a circle: A precondition of Ann’s intransigence being non-condemnable is

Ben's intransigence, and a precondition of Ben's intransigence being non-condemnable is Ann's intransigence. This amounts to implausible bootstrapping. If it were not already the case that Ann is intransigent, then Ben could not become non-condemnably intransigent. But for Ann to become non-condemnably intransigent, it would need to already be the case that Ben is intransigent.⁵

The problem with *Two Factories* should now be vivid. The crucial stipulation either provides AC with the materials needed to solve the problem or it is a normative mystery. Objective AC, either way, emerges unscathed.

4. Conclusion

We shall now summarize our main claims. Modally Robust AC falls prey to escapable-hook. It should be abandoned. *Two Factories* poses no threat to objective AC. Fully described, when agents should be on the hook, AC puts them there. Modally Robust AC is, in short, a defective solution to a nonproblem.

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⁵ Just as the divine command theorist cannot answer the question, "Why ought we to do what God commands?" by pointing to the fact that God has commanded us to do what He commands. For either we already ought to do what God commands, in which case the command is superfluous, or it is not the case that we ought to do what God commands, in which case the command lacks normative force.