HARRY S. SILVERSTEIN

GOLDMAN'S 'LEVEL-2' ACT DESCRIPTIONS AND UTILITARIAN GENERALIZATION

(Received 26 June, 1975)

In 'David Lyons on Utilitarian Generalization'[1] Holly Goldman argues as follows:

(I) Lyons[2] claims that the principles

(UG) An action is right if and only if the consequences of everyone's performing that sort of action would be at least as good as the consequences of everyone's performing any alternative sort of action.

and

(AU) An action is right if and only if the consequences of that action would be at least as good as the consequences of any alternative action.

are extensionally equivalent. Even if we use Lyons' defective notion of 'consequences', however, this claim can be shown to be false. For extensional equivalence presupposes that the number of persons who can perform an action of a given sort does not vary from alternative to alternative; and on Lyons' own criterion for act descriptions, this presupposition fails. However,

(II) this difficulty can be avoided by adopting a new criterion for act- descriptions, a criterion according to which reference to the available alternatives must be included in the description of every action. But while the adoption of such a criterion insures that the number of persons who can do 'the same' will remain constant throughout an alternative set, if neither saves the extensional equivalence of UG and AU nor makes UG a viable moral principle. For on this criterion there are various cases – including certain of those 'threshold' cases of voting, lawn-crossing, etc., which provided the original motivation for UG – where the number of agents who can do 'the same' as a given alternative is indeterminate, cases where, therefore, UG gives no (determinate) result at all.

I agree, on the whole, with (I).[3] (II), however, is mistaken; I shall present two, independent criticisms of Goldman's argument each of which alone is sufficient to show that, if her criterion for act descriptions is handled properly, it yields exactly the same, entirely determinate, result as Lyons' for the sort of case she considers.[4] The first criticism is concerned with one of the fundamental features of utilitarian generalization; the second is concerned with a point which relates not merely to utilitarian generalization, but to consequentialist reasoning in general.

Philosophical Studies **30** (1976) 45–55.

I. GOLDMAN'S ARGUMENT

Goldman gives the following account of her proposed criterion for act descriptions:

What we need are action descriptions which include (a) reference to the consequentially significant properties of the action, and (b) reference to the action's alternatives, similarly described in terms of their consequentially significant properties. This can be arranged most conveniently by introducing two 'levels' of action types (where an action type is understood to be a property that can hold true of individual actions). Action types of the first level are defined in terms of the consequentially significant properties of the action, and action types of the second level are defined in terms of the level-1 type of the action, taken in conjunction with the level-1 types of its alternatives. Consider, for example, a case in which an agent possesses two alternatives, acts a and b. The definitions of the level-1 types of these actions would appear as follows:

Level-1 Definitions

act a is of type A at level 1 $=_{df.}$ a has consequentially significant properties $P_1, P_2, ..., P_k$

act b is of type B at level 1 $=_{df.}$ b has consequentially significant properties $Q_1, Q_2, ..., Q_k$

The definitions of the level-2 types of these actions would then appear as follows:

Level-2 Definitions:

act a is of type A' at level 2 $=_{df.}$ a is of type A at level 1, and a's sole alternative is of type B at level 1.

act b is of type B' at level 2 $=_{df.}$ b is of type B at level 1, and b's sole alternative is of type A at level 1.

... we now stipulate that the relevant description of an action specifies which level-2 action type is true of it ... (86–87)

She then applies this criterion to a case involving

... Smith, Jones, and Brown, who are neighbors in an apartment house and share a yard. They agree to split the expenses of any play equipment to be installed in the yard for the use of their children. According to their agreement, the majority rules in such decisions: if two of them wish to purchase a certain piece of equipment, the other is bound to pay his share of the expenses. In the case at issue, question has been raised whether or not a swing set should be purchased for the children. If it is, the utility produced will be 10; if not, the utility produced will be 3. (88)

Suppose that Brown tries to use UG to decide what to do, given that both Smith and Jones will in fact vote 'no'. Brown has two alternitives, an act of type Y (a 'yes' vote) or an act of type N (a 'no' vote). "In order for Brown to

ascertain which action UG advises him to take", Goldman argues,

> he must first identify the set of agents who have the opportunity to perform relevantly similar acts (i.e., acts of types *Y* and *N*). Having identified these agents, he can then calculate the consequences of everyone's performing these alternatives, and on this basis derive a recommendation from UG on which action to perform.
> Which agents do have the opportunity to perform acts of these types? In particular, which agents have the opportuity to perform an act of type *Y* (roughly, which agents are in a position to vote 'yes' when two 'no' votes are cast)? Until Brown himself acts, *there is no determinate answer to this question*. If Brown should vote 'yes', then neither Smith nor Jones will have had the opportunity to vote 'yes' when two 'no' votes are cast. Only Brown himself will have had this opportunity, so the set of agents possessing this option only includes one member. But if Brown should vote 'no' instead, then *both* Smith and Jones (as well as Brown) will have had the opportunity to vote 'yes' when two 'no' votes are cast. Thus, in these circumstances, the set of agents possessing this option includes three members. Hence, before Brown himself acts, there is no determinate set of agents who have the opportunity of performing acts of type *Y*, for Brown's eventual action forms part of the circumstances which determine the act types of the other agents' actions. Since there is no determinate set of agents who have this opportunity, there is no way to ascertain what the consequences would be if everyone performed an action of type *Y*. Since he cannot determine the generalized utility of one of his alternatives, there is no way for Brown to employ UG in choosing which action he should perform. (89–90).

Thus, UG cannot be used in such a case as a decision principle; and a similar argument, Goldman claims, can be used to show that UG cannot be used as a criterion of rightness and wrongness after the fact. Hence, while the use of 'Level-2' act descriptions does guarantee, she argues, that "the number of relevantly similar actions in any alternative set is a constant" (87), it neither preserves the extensional equivalence of UG and AU nor makes UG an acceptable moral principle.

II. CRITICISM 1

My first criticism of Goldman's argument is that it fails to take proper account of the fact that UG's concern with 'everyone's doing the same' is *collective* rather than *distributive*. In assessing the 'generalized' utilities of the various alternatives, UG directs us to determine the utility which would be produced by everyone's performing an act of the requisite type *together* or *collectively*.[5] Indeed, a large part of the original motivation for moral theories based on utilitarian generalization was precisely that the collective utilities of certain sets of acts (voting, lawn crossing, promise breaking, etc.) seemed in each case not to be equivalent to the sum of the individual utilities of the set's members.[6] If this point is properly applied to the swing set case, however, it shows (a) that UG gives the same, entirely determinate, result

using either Goldman's or Lyons' criterion for act descriptions; and (b) that 'Level-2' descriptions are not sufficient to ensure that the number of persons who can do 'the same' remains constant throughout an alternative set. Consider again the assumption that Brown chooses to vote 'no'. On this assumption, each of the three agents *individually* has (or had) an act of type Y (i.e., an act of voting 'yes' while the other two agents vote 'no') as an alternative; thus, in this sense, Goldman is quite right that "the set of agents possessing this option includes three members". But the question with which UG is concerned is not "How many persons can perform an act of type Y *individually*? " but "How many persons can perform an act of type Y *collectively* or *together*? " And the answer to this latter question is, of course, 'one' even if Brown votes 'no'; for an act of type Y can be performed only if two of the three agents perform those acts of voting 'no' reference to which is essential to the description of an act of type Y. Thus, since only one person can perform an act of type Y if Brown votes 'yes', as Goldman herself says, this means that the answer to the question "How many persons can perform an act of type Y *collectively*? " is 'one' *whatever* assumption we make about Brown's choice, and is therefore entirely determinate. Hence, if UG is properly applied, the use of Goldman's 'Level-2' criterion for act-descriptions yields exactly the same, determinate, result as Lyons'. On either criterion, it is possible that at most three persons (collectively) perform an act of type N; on either criterion, it is possible that at most one person (collectively) perform an act of type Y: and on either criterion, UG prescribes that Brown vote 'no', as the generalized utility of N is 3, whereas the generalized utility of Y is 0.[7]

With respect to Goldman's claim that Level-2 descriptions guarantee that "the number of relevantly similar actions in any alternative set is a constant", the difficulty is that this guarantee extends only to the *individual* alternatives open to the various agents. To return to her schema (87; reproduced above, p. 46) it is quite true that, if n agents can perform acts of type A' *individually*, then necessarily n agents van perform acts of type B' *individually*; but there is no guarantee at all that the number who can perform acts of type A' *collectively* is the same as the number who can perform acts of type B' *collectively*. And such a discrepancy between individual and collective possibilities is precisely what occurs in the swing-set case. Since, if Brown votes 'no', three persons can perform acts of type N individually, the use of Level-2 descriptions guarantees that three persons can perform acts of type Y

individually; but whereas three persons can perform acts of type *N* collectively, it is possible that at most one person perform an act of type *Y* collectively.

Some readers, however, may feel that there is something paradoxical about this sort of discrepancy. One possible source of uneasiness here is the fact that, where the number who can perform actions of a certain sort collectively is fewer than the number who can perform such acts individually, the collective possibility is not assignable to particular persons. Assuming that Brown chooses to vote 'no', we can say that it is possible that at most one person perform an act of type *Y* collectively; yet we cannot say of any of the three agents individually that this possibility applies to him rather than to one of the others. But there is nothing at all paradoxical about this; it simply illustrates the point that modal predicates, like many others, do not necessarily distribute to the members of a group when they are applied to the group itself. And one important implication of this is that Goldman is mistaken in her claim that, to determine what action UG prescribes, one must *identify the set of agents* who have the opportunity to perform acts of the relevant sorts. For where collective and individual possibilities do not match, as the swing set case illustrates, such identification is neither possible nor necessary. Such identification is not possible, in the swing set case, since assuming that Brown votes 'no', the one possible 'collective' act of type *Y* cannot be assigned to any particular agent; yet such identification is not necessary, since the question "*How many* acts of type *Y* can be performed collectively, or together?" nonetheless admits of a determinate answer (viz., 'one'). Thus, the claim that such identification is essential is itself simply one aspect of Goldman's general failure to appreciate the fact that UG's concern with "everyone's doing the same" is collective.

We are still left, however, with the problem of explaining precisely why individual and collective possibilities, in cases like the swing set case, fail to coincide; for it is only through such an explanation that the feeling of paradox can be permanently eliminated. The basis for such an explanation lies in the fact that what is properly taken as 'given' – i.e., as part of the 'surrounding circumstances' – in assessing the alternatives open to an individual agent differs not only from what is properly taken as given in assessing the alternatives open to a different agent, but from what is properly taken as given in assessing the alternatives open to the relevant set of agents taken collectively. Suppose, for example, that all three agents in the swing set

case do in fact vote 'no'. In assessing the alternatives that are (or were) open to Brown, we would regard the 'no' votes of both Smith and Jones, but not, of course, the 'no' vote of Brown himself, as given. On the other hand, in assessing Smith's alternatives we would take the 'no' votes of Jones and Brown, but not that of Smith, as given; and in Jones's case, analogously, we would take the 'no' votes of Smith and Brown, but not that of Jones, as given. And finally, in assessing the alternatives open to the three taken collectively, we would not regard any of their 'no' votes as given. And it is these differences in what is to be taken as given which create the discrepancy between what is possible collectively and what is possible individually. It is possible that only one person perform an act of type *Y* collectively, because such an act is possible, as was noted above, only if two of the three perform the acts of voting 'no' reference to which constitutes an essential part of the description of an act of type *Y*. Yet each of the three individually has an act of type *Y* as an alternative, because the assessment of alternatives for each individual properly takes the 'no' votes of each of the other two as given. Each agent individually can perform an act of type *Y* because for each agent an act of voting 'yes' while the other two vote 'no' is entirely consistent with the circumstances properly regarded as 'given' in assessing *his* alternatives; but – and this is the crucial point – a 'yes' vote by a given agent is *not* consistent with what is properly regarded as 'given' in assessing the individual alternatives open to either of the other two. It is precisely for this reason that the collective possibility as regards acts of type *Y* cannot be determined simply by 'adding up' the individual possibilities, and indeed cannot be assigned to particular individuals at all.

III. CRITICISM 2

My second criticism of Goldman's argument concerns the hypothetical assumptions one properly, indeed necessarily, makes in assessing alternatives. Suppose that an agent, Green, has two alternative, *a* and *b*, and consider how AU is used to decide what he should do. It is quite true that he cannot take his choice as 'given' in the sense that, as was discussed in the preceding paragraph, he may quite properly take the choices of others as 'given'; for to view one's own act as given in this sense is just to view oneself as having no choice at all, and hence, as being in a situation where the whole question of decision making does not arise. But while Green cannot view his choice as

'given' in this sense, it nonetheless remains the case that the assessment of the utility of each of his alternatives must be based on the assumption that that alternative is chosen. That is, the questions "What utility would result from *a*? " and "What utility would result from *b*?" must obviously be interpreted to mean "*On the assumption that Green does a*, what would its utility be? " and "*On the assumption that Green does b*, what would its utility be? " respectively; for apart from those assumptions no determinate assessment of utility is, of course, possible. Again, suppose that if Green does *a*, this will induce White to do *c*, whereas if Green does *b*, this will induce White to do *d*, and that White's choice affects the long range utility of Green's choice. It would clearly be a mistake for Green to complain that "AU gives no determinate result in this situation; for White's choice makes a difference to the utility of my choice, and yet until I act, there is no determinate answer to the question 'What will White choose?' " For Green is to assess each of his alternatives on the assumption that that alternative is chosen, and hence, on the assumption that White makes the choice which that alternative would induce. Since the question "What utility would result from *a*?" is to be answered on the assumption that *a* is chosen, it is to be answered on the assumption that White does *c*; similarly, since the question "What utility would result from *b*?" is to be answered on the assumption that *b* is chosen, it is to be answered on the assumption that White does *d*. Thus, while there is a sense in which White's choice – and for that matter Green's own choice – is indeterminate before Green acts, this in no way implies that AU fails to give a determinate result for this case.

Similar assumptions, however, are implicit in the use of UG – i.e., in the assessment of the generalized utilities of one's alternatives. Indeed, the assumptions implicit in the use of UG are even stronger than those implicit in the use of AU; fully unpacked, the question "What generalized utility would result from *a*?" becomes "On the assumption that Green *and as many others as can* perform actions of the type exemplified by *a*, what would the utility (the 'simple' utility) of this 'collective' action be?"[8] And this point alone, quite apart from my first criticism, is sufficient to refute Goldman's claim that, if we use her criterion for act descriptions, UG fails to give a determinate result for the swing set case; for this claim, we now see, is mistaken in just the way that the claim that AU fails to give a determinate result for Green's case was mistaken. Brown's assessment of the generalized utility of his *Y*-alternative should be an assessment of the utility which would

result on the assumption that he and as many others as can perform acts of type *Y* (hence, the question "How many persons can perform acts of type *Y* if Brown votes 'no'?" is a question which he need not even consider); similarly, his assessment of the generalized utility of his *N*-alternative should be an assessment of the utility which would result on the assumption that he and as many others as can perform acts of type *N*. And it follows from this that UG gives the same, perfectly determinate, result using either Goldman's or Lyon's criterion for act descriptions even if my first criticism is waived – that is, even if we grant, for the sake of argument, that UG is concerned with the number who can perform acts of the requisite sorts *individually* (and, hence, that if Brown votes 'no' the question "How many can perform acts of type *Y*?" is properly answered 'three'), and that the use of UG requires that one be able to identify the agents who have the opportunity to perform acts of the requisite sorts. For even granting all of this, the application of UG to the swing set case, using Goldman's criterion for act descriptions, proceeds as follows: on the assumption that Brown and as many others as can perform acts of type *Y*, exactly one person (namely, Brown himself) can perform an act of the requisite Level-2 type, and the utility produced is 0;[9] on the assumption that Brown and as many others as can perform acts of type *N*, exactly three persons (Brown, Smith, and Jones) can perform acts of the requisite Level-2 type, and the utility produced is 3; hence, UG gives the perfectly determinate result that Brown should vote 'no' – the same conclusion, reached in the same manner, as that which results using Lyons' criterion.

In sum, Goldman makes two, independent mistakes, the recognition of either one of which is sufficient to refute both her claim that the use of Level-2 descriptions insures that the number of persons who can do 'the same' remains constant throughout an alternative set,[10] and her claim that UG fails to give determinate results in cases like the swing set case if we adopt her Level-2 criterion.

IV. GENUINELY INDETERMINATE CASES

I would like to conclude by discussing briefly a certain type of case in which it is indeed true that one cannot derive a determinate result for individual decisions, a type of case which one might confuse with the sort of case

Goldman considers, and which in any event throws light on the general issue of indeterminacy. Briefly, while no special indeterminacy results from the use of UG, which is in some sense a collective *principle*, as the basis for individual decisions or prescriptions, there are cases where collective *decisions* or *prescriptions*, whether based on AU, UG, or some other principle, do not determine individual decisions or prescriptions. Consider the following modified swing set case. If at least two of the three agents vote 'no', the utility produced is 9; if exactly two out of three vote 'yes', the utility produced is 10; and if all three vote 'yes', the utility produced is 8 (we can suppose, for example, that the utility of the swing set itself is 14, but that two utiles must be deducted from each 'yes' vote because the wife of each 'yes' voter nags him about his extravagance). Suppose further that it is common knowledge that each of the three agents uses AU as a decision principle, but that the agents are prevented from discussing their votes with one another in advance. In this case AU provides a determinate prescription for the three taken *collectively* – i.e., it stipulates that there should be two 'yes' votes and one 'no' vote, since this is the collective decision which maximizes utility. But it fails to give a determinate result for any of the three individually, because there is no way to derive prescriptions for the individuals making up the group from the prescription directed to the group itself, given that the three agents cannot communicate with one another before voting. Brown cannot know what he should do without knowing in advance what Jones and Smith will do; for if, e.g., Jones and Smith both vote 'yes' then Brown should vote 'no', whereas if either Jones or Smith votes 'yes' while the other votes 'no', then Brown should vote 'yes'. But the votes of Smith and Jones depend on how they think they should vote; and neither of the two can know how he should vote without knowing in advance how the other two, including Brown, will vote. Hence, the attempt of any individual to determine how he should vote results in a vicious regress. The difficulty here, however, is not the result of using a collective *principle*, for AU is not such a principle; and indeed this sort of difficulty can arise using any principle the application of which, in certain situations, requires knowledge of how others will act. The difficulty, rather, derives from the fact that (a) the collective prescription ("Let it be the case that two vote 'yes' while one votes 'no' ") does not distribute in and of itself; and (b) the impossibility of advance communication prevents the three from instituting any of the special, artificial procedures (drawing of straws, flipping of coins, etc.) which

are commonly used to force distributive results from essentially nondistributive prescriptions.[11]

Thus, there are indeed instances where the application of a given principle under given conditions to a given situation yields no determinate result for individual decisions. The application of UG and Goldman's 'Level-2' criterion to the swing set case, however, is not such an instance.

Washington State University

NOTES

[1] *Philosophical Studies* 26 (1974), 77–95. Otherwise unspecified page references, in both text and footnotes, refer to this article.

[2] David Lyons, *Forms and Limits of Utilitarianism*, Oxford University Press, London, 1965.

[3] Specifically, I agree both (a) that a simple 'distributive' notion of 'consequences' is defective from a utilitarian point of view (93, footnote 4); and (b) that the extensional equivalence thesis fails even if we accept such a concept (81–85). Indeed, I have defended both these claims myself in 'Simple and General Utilitarianism', *The Philosophical Review* 83 (1974), 339-363 (as regard (a), see *ibid.*, 359-362; and as regards (b), see *ibid.*, 356-357, and 360, footnote 17). I am not convinced, however, that Lyons adopts such a 'distributive' concept; it seems to me, rather, that he takes himself to be using the proper utilitarian concept, and that his claims about distribution are the result of mistakes which are independent of the definition of 'consequences' (cf. *ibid.*, 351-353, including footnote 10). But this issue is not relevant to Goldman's central concerns.

[4] My first criticism, however, supports this claim for a wider range of cases than does the second alone; see footnote 9 below.

[5] Cf. Lyons, pp. 63-75 and *passim*.

[6] See, e.g., R.F. Harrod, 'Utilitarianism Revised', *Mind* 45 (1936),137-156; and Jonathan Harrison, 'Utilitarianism, Universalisation, and Our Duty to Be Just', *Proceedings of the Aristotelian Society* 53 (1952-53), 105-34.

[7] I have applied UG to the swing set case in a manner which parallels Goldman's application of AU to the same case using what she takes to be Lyons' notion of 'consequences' (92). It might be objected, however, that the one 'yes' vote should be given at least as much credit as the two 'no' votes for the three utiles produced by not getting the swing set and, hence, that if the generalized utility of N is 3, the generalized utility of Y cannot be 0. But I shall not pursue this issue as it has no bearing on my primary objections to Goldman's argument.

[8] We cannot, as might be thought, simplify "On the assumption that Green and as many others as can ..." to "On the assumption that as many as can...". For if (as is true of acts of type Y in the swing set case) the collective possibilities vis-à-vis the performance of acts similar to a do not distribute to individuals, to say only that "as many as can" perform acts of the type exemplified by a is not to say that Green performs such an act or even that he individually, given our assumptions about the behavior of others, *can* perform such an act. But UG does not require Green to consider the generalized utility of a in the first place except on the assumption that a is indeed an alternative open to him individually. Hence, our statement of the assumption must insure that a is a

possibility for Green individually, and must therefore explicitly single him out in the way I have done in the text.

[9] We cannot grant all the above and still get determinate results for cases in which the number of collectively possible acts of a given type is greater than one and yet not assignable to particular individuals; if the swing set case, for example, were modified in such a way that two acts of type *Y* were collectively possible, we would not be able to assign the second possible such act to either Smith or Jones individually (though we would still be able to assign one of the possibilities to Brown – cf. the preceding footnote). Hence, while Criticism 1 is sufficient to refute Goldman's indeterminacy claim for such cases, Criticism 2 taken by itself is not.

[10] Criticism 2 refutes this claim, as the preceding discussion of the swing set case illustrates, by showing that the assumptions to be used in determining how many persons can perform acts of a given sort *differ* from alternative to alternative. And this refutation, unlike that implicit in Criticism 1, succeeds even on the supposition that UG is concerned with individual rather than collective possibilities.

[11] Parts of an exchange between the present author and Michael Martin and Henry Ruf bear on these matters. See Michael Martin and Henry Ruf, 'A Utilitarian Kantian Principle', *Philosophical Studies* **21** (1970), 90-91; Harry S. Silverstein, 'A Defense of Cornman's Utilitarian Kantian Principle', *Philosophical Studies* **23** (1972), 212-215; Martin and Ruf, 'Silverstein's Defense of Cornman', *Philosophical Studies* **23** (1972), 319-323; and Silverstein, 'Reply to Martin and Ruf', *Philosophical Studies* **23** (1972), 324-326.

HOLLY S. GOLDMAN

REPLY TO SILVERSTEIN

(Received 6 October, 1975)

Harry S. Silverstein claims that I am mistaken in arguing that employing 'level-2' act descriptions yields a version of UG which is unable to deliver any determinate prescriptions at all in an important range of cases.[1] According to Silverstein, my argument for this conclusion rests on two separate errors. First, UG requires us to calculate what the consequences would be if everyone having the opportunity to perform an act of type *A* were to do so. But, as Silverstein points out, this is ambiguous; it could mean either "everyone who has the opportunity to perform an act of type *A as an individual*", or "everyone who has the opportunity to perform an act of type *A collectively* or *together*". I employ the former, 'distributive', interpretation, and argue that since it is not always possible for individually-possible acts to be jointly performed, the results of such a joint performance cannot be calculated and UG cannot give any prescription for action. Silverstein states correctly that use of the collective interpretation would avoid this difficulty. Although I disagree with his contention that the collective interpretation is the only one consistent with the spirit of UG, clearly it constitutes a legitimate alternative, indeed one which has previously been investigated by Howard Sobel, who supposes that such versions of UG will be coextensional with their AU counterparts.[2]

It is Silverstein's second criticism I wish to explore. According to UG, an action is right if and only if the consequences of everyone's performing that sort of action would be at least as good as the consequences of everyone's performing any alternative sort of action. In order to apply this principle, we must know how many agents the term 'everyone' refers to. In my original paper, I described cases in which the act chosen by the agent himself affects the number of other agents who will have opportunity to perform acts of the same sort. Since the agent cannot coherently ask whether he ought to perform act *a*, and at the same time assume that he is in fact going to perform it (in order to calculate how many others will have that opportunity), from

Philosophical Studies **30** (1976) 57–61.

his point of view the number of agents who will have the opportunity in question must remain indeterminate. In view of this indeterminacy, there is no way to derive a determinate prescription from UG.

Silverstein claims that even on the distributive interpretation the number of agents who comprise 'everyone' *is* determinate in these cases, and hence UG gives determinate prescriptions. He urges that just as when (for example) Green applies AU to his case, he must ask "On the assumption that I perform act *a*, what would its utility be?" so when Green applies UG to his case, he must ask "On the assumption that I and as many others as can perform actions of the type exemplified by *a*, what would the utility of this 'collective' action be?" In other words, he contends that the term 'everyone' refers to the set of agents who would have a certain opportunity *on the condition that* Green availed himself of that opportunity.

This is undoubtedly a legitimate and plausible interpretation of the term 'everyone', but it is not the correct interpretation to use in criticising *Lyons'* theory. Lyons explicitly stipulates that 'everyone' is to be understood as "that class of persons each of whom *will have* occasion to do the sort of thing specified, to each of whom such a course of action is or will be a practical possibility."[3] Since my argument is specifically directed against Lyons, of course I used his *non-conditional* interpretation of the term 'everyone', rather than the conditional interpretation proposed by Silverstein. And on Lyons' interpretation, the number of agents who will have the opportunity to perform acts of type *A* may indeed be pragmatically indeterminate.

Even if we adopt Silverstein's interpretation, however, we find that although the number of agents who comprise 'everyone' is determinate, the prescriptions generated by UG are not. Silverstein's definition can be stated as follows:

I. everyone = all those would have the opportunity to perform an act of type *A* if *a* were performed.

To see why use of this definition (on the distributive interpretation) does not yield determinate prescriptions, consider the following case. Smith, Jones, Green, and White are all walking down the street in that order. Each has a dollar bill in his pocket, and no one else is on the street. Their projected paths will take them by a Salvation Army officer who needs a contribution of exactly one dollar to meet his quota for the day. If he gets the dollar, he will

return home, thus eliminating the possibility that any other passer-by will have the opportunity to donate to the Army. If any of the four agents is presented with the opportunity to give a dollar, he will do so. Thus Smith, the agent who comes first, will have the opportunity to perform an act of type A (where A = declining to give \$ 1 to the Salvation Army, when giving \$ 1 is the only alternative (since the officer cannot make change), and when declining to give will be followed by the next passer-by's giving \$ 1), and also an opportunity to perform an act of type B (where B = giving \$ 1 to the Army, when the only alternative is to give nothing). Depending what previous agents do, Jones and Green may have the opportunity to perform acts of these kinds. White cannot in any event have such opportunities, since his declining to give would not be followed by any passer-by's giving \$ 1, insofar as the officer will return home if he gets four straight refusals.

Smith, the first agent to pass by, gives his dollar. According to definition I, exactly two agents are included in 'everyone', since if Smith took his opportunity to decline, then Jones would have the same opportunity. (Since Jones would actually donate his dollar under such circumstances, Green would not have the opportunity to decline. Smith's performing act b implies that Jones will in fact donate his dollar, but this of course is not incompatible with his *having the opportunity* to decline to donate.) Thus 'everyone' refers to a determinate number of agents. But if we now ask what the consequences would be if everyone performed an act of type A, we see at once that there is no clear answer to this question. 'Everyone' includes Smith, and his performing an act of type A (i.e., declining to give when doing so will be followed by the next passer-by's giving a dollar) implies that Jones, who is the next passer-by, gives a dollar. But Jones is also included in 'everyone', so we must hypothesize that he declines to give a dollar. Thus everyone's performing an act of type A involves both Jones' giving and his declining to give a dollar – a state of affairs which is patently impossible, and one whose consequences cannot be estimated. Contrary to Silverstein's claim, even on definition I, UG gives no determinate prescriptions in certain kinds of cases.

It is worth pointing out that 'everyone' can be defined in still another way. This way, which is perhaps initially even more plausible than definition I, may have been the one Silverstein had in mind, but it fails even to pick out a determinate set of agents and hence leaves UG itself indeterminate. Just as one agent's performing an act may enable others to perform acts of that sort, so *their* performing those acts may enable still another set of agents to

perform acts of that sort. This suggests the following definition:

II. everyone = all those who would have the opportunity to perform an act of type A if (1) act a were performed, and (2) all those who would have the opportunity to perform an act of type A if a were performed, performed these acts, ..., (n) all those who would have the opportunity to perform an act of type A if the acts mentioned in clause $(n-1)$ were performed, performed these acts.

The problem arises clearly when we apply this definition to the Salvation Army case. According to definition II, 'everyone' refers to all those agents who would have the opportunity to perform an act of type A under certain conditions. One of these is stated in clause (2), i.e., the condition that all those who would have the opportunity to perform an act of type A if Smith performed a, performed those acts. We have just seen that Smith and Jones *comprise the set of all those who would have the opportunity to perform an act of type A* if Smith did a – but also that it is impossible for both Smith and Jones to perform such acts. So clause (2) cannot be satisfied, and the set of all those who would have a certain opportunity if clause (2) were satisfied is indeterminate. Because 'everyone' thus remains indeterminate, UG cannot deliver prescriptions in this case.

Silverstein is wrong in claiming that his conditional definition of 'everyone' is the one appropriate to use in criticising Lyons' theory, since Lyons explicitly adopts an unconditional interpretation. He is also wrong in claiming that UG gives determinate prescriptions when the distributive interpretation and a conditional definition of 'everyone' (whether definition I or II) are employed. But his criticisms have the virtue of calling attention to these alternative ways of interpreting crucial terms in the context of UG.[4]

University of Michigan

NOTES

[1] Harry S. Silverstein, 'Goldman's "Level-2" Act Descriptions and Utilitarian Generalization'; see Holly S. Goldman, 'David Lyons on Utilitarian Generalization', *Philosophical Studies* **26** (1974), pp. 77–95.

[2] Howard Sobel, 'Utilitarianism: Simple and General', *Inquiry* **13**, p. 42.

[3] David Lyons, *Forms and Limits of Utilitarianism*, London, Oxford University Press, 1965, p. 31 (emphasis added).

[4] This paper was written during my tenure as a Fellow of the American Association of University Women. I am grateful for facilities provided by the Center for Advanced Study in the Behavioral Sciences.