

# Utilitarian Political Philosophy

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*Guest essays represent only the views of the author(s).*

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## Introduction

Utilitarianism is often viewed primarily as a theory of individual morality, focused on how individuals should act to maximize well-being or happiness. However, historically, many of the great utilitarian thinkers were deeply concerned with political philosophy and social reform. [Jeremy Bentham](#)'s most

famous work was titled [\*An Introduction to the Principles of Morals and Legislation\*](#). [John Stuart Mill](#) explicitly grounded his political arguments in [\*On Liberty\*](#) on the principle of utility. And as political philosopher David Weinstein has shown, much of nineteenth-century English liberal political thought was deeply influenced by utilitarian ideas.<sup>1</sup>

Yet contemporary political philosophy is dominated by other approaches, particularly those inspired by Kant and the social contract tradition.<sup>2</sup>

Following John Rawls's influential critique that utilitarianism "[does not take seriously the distinction between persons](#)," many now argue that utilitarianism isn't even a candidate for political philosophy.<sup>3</sup> The core concern is that utilitarianism's exclusive focus on maximizing overall well-being makes it unable to account for individual rights, political legitimacy, or justice—concepts that seem essential to any political philosophy.

This essay argues that these criticisms misunderstand how utilitarianism can function as a political philosophy. Drawing on insights from classical utilitarians like Mill as well as contemporary thinkers like Joseph Raz, I show how utilitarianism can make sense of core political concepts while maintaining its fundamental commitment to promoting well-being. The result is a distinctive and attractive approach to political philosophy that combines pragmatic attention to consequences with robust protections for individual liberty. I will close with a discussion of utilitarianism as a tool for policy analysis.

## Utility and the Goal of Politics

For utilitarians, the ultimate end of politics is the promotion of well-being. This might seem to suggest a simple approach to political philosophy: evaluate all political actions, institutions, and arrangements solely based on how well they promote aggregate well-being. However, this overlooks a crucial insight about the nature of human well-being itself: many of its key components can only be realized through social coordination and cooperation.

As Joseph Raz emphasizes, humans are inherently social beings whose flourishing depends on successful coordination with others.<sup>4</sup> Environmental protection, museums and libraries, infrastructure, and scientific and technological progress all depend, to a great degree, on long-term coordination and facilitation. Moreover, much of our personal well-being consists in relations with others. In both establishing behavioral norms through laws and in supporting the development of infrastructure that supports shared spaces and social interaction, governments play an important role in establishing the overarching framework within which we live our lives.

This insight helps us understand the fundamental role of government: to facilitate the coordination and cooperation necessary for human flourishing. Rather than simply maximizing utility through direct intervention, government's primary function is to create and maintain the frameworks within which individuals can successfully pursue valuable projects and relationships. And so, although there will still be a place for direct utilitarian evaluation (particularly of policy alternatives), we need a more complex approach to make full sense of both what government does and how it does it. Most notably, we need a utilitarian approach to understanding why and when we should defer to political authority: why we should generally adhere to laws, comply with the outcomes of political procedures, and generally engage in patterns of behavior even when some instances of doing so do not maximize (or perhaps even promote) well-being.

## Deferring to Authority

Government fulfills its function of facilitating coordination through its distinctive exercises of authority. It acknowledges and establishes rights, creates laws, and establishes procedures for settling disputes and making political change. But for any of this to be successful, those subject to the government must generally defer to its authority. They must act in ways that respect the rights outlined by the government, comply with the laws, and adhere to the outputs of its procedures. In doing so, individuals are being asked

to act in ways which may not, in isolation, best promote well-being. To put the matter more pointedly: why should a utilitarian obey a law they judge to produce suboptimal results?

The fundamental answer to this question harkens back to Raz's insight: some key components of our well-being can only be realized through large-scale patterns of behavior. And while it is not essential to the success of those patterns that everyone always comply, it is essential that most people usually comply. Moreover, having patterns of behavior in society produces its own benefits in the form of social stability and the ability to establish expectations and build life plans around them. These two ideas – social stability and establishment of expectations – are closely related and help us understand the distinctive value that comes from deferring to authority.

The social contract theorist Thomas Hobbes famously argued that without government, “there is no place for industry,... no culture of the earth, no navigation,... no commodious building,... no knowledge of the face of the earth, no account of time, no arts, no letters, no society, and which is worst of all, continual fear and danger of violent death, and the life of man, solitary, poor, nasty, brutish, and short.”<sup>5</sup> While perhaps overstating the matter, Hobbes's core insight is that social stability is essential to civilization and the benefits it brings. We must be able to generally know what others will and won't do so that we may formulate our plans accordingly. While we may know enough about certain individuals to build that trust without a third-party enforcement mechanism, that simply won't be the case with strangers. The public establishment of rules, norms, and expectations as well as the enforcement of them helps establish a form of trust even among strangers. As a result, it makes it reasonable and rational to formulate long-term plans as well as be willing to engage in collective action. Just consider norms around property ownership.<sup>6</sup> Many of our long-term projects necessitate the accumulation of property. If we had no norms around ownership – no ability to predict whether others would leave our property alone or attempt to take it – then it would be

foolish to start those projects. Or it would necessitate personal enforcement mechanisms which certainly increase the costs and risks of engaging in those projects. But when a government steps in to establish laws around property and ownership and presents itself as willing and able to enforce those laws, then we can identify which sorts of life plans reasonably fit with those laws.

Importantly, it is not sufficient for stability that the government establish and promise to enforce the laws. What inevitably matters is that there is a general pattern of compliance. And this is what makes it the case that we each, individually, have reason to comply in most circumstances.<sup>7</sup> The welfare benefits that come from stability are only realized if an actual pattern of behavior emerges. And so, every time we act in accord with the pattern, we are reinforcing it. Thus, our individual actions of compliance or non-compliance contribute, or detract, from the promotion of well-being in an important way.

The above analysis focuses on how stability and expectation around individual behavior can benefit our well-being. In that way, it makes a case broadly for deferring to laws regulating behavior. But a similar case can be made for deferring to the outcomes of political processes. Consider the case of democratic elections. Accepting the outcome of a democratic election, or only challenging it through established procedures, provides another level of stability. If we were unable to generally expect that the “losers” of an election would nevertheless submit to the outcomes, then our entire set of social norms would be under threat with any change of power. Political procedures establish guardrails for political conflict and thus can function to limit the negative consequences of that conflict and, in the best of cases, channel the conflict toward positive outcomes.

The case we have been making so far does two things: it justifies why we should generally defer to authority, and it justifies why governments should engage in *enforcement*. But that suggests an undesirable outcome: that governments should engage in extensive and strong enforcement to ensure compliance. While someone like Hobbes may agree, most of us would likely

agree that a police state is undesirable. So how can we make sense of that intuition within our framework?

The key move here is to distinguish between *legitimate* procedures and *illegitimate* procedures. Different approaches to political philosophy will give different accounts of this distinction, but for utilitarians the sort of account developed by Legal Positivists fits well.<sup>8</sup> On this account, legitimacy is not a normative concept – the legitimacy of a procedure has nothing to do with morality or justice. Instead, it is descriptive but has normative implications. A procedure is legitimate to the degree that its outcomes enjoy compliance *for reasons other than fear of sanction*. Ideally, we wouldn't want to have to enforce compliance at all. Instead, we would want people to see the law as giving them good reason to do (or not do) whatever it requires and simply act accordingly. If that were the case, it would boost the well-being benefits of the law by reducing costs related to enforcement (both financial and directly in terms of welfare).

To illustrate the contrast, compare two societies: one governed by broadly democratic procedures and the other by a utilitarian dictator. We'll assume the first society does not always choose maximally good laws but the people, overall, view the procedures as legitimate and so comply with little to no enforcement. The utilitarian dictator, on the other hand, always chooses the optimal policy but her people view her rule as illegitimate and so are typically unwilling to comply. Without (sufficient) compliance, her policy choice is no longer effective and so she must enhance enforcement to increase compliance. Doing so may enhance the welfare benefits of the policy itself, but it will also increase the welfare costs due to the fear and violence that comes with enforcement. It should be easy to see how, in many cases, the supposed optimal policy of the utilitarian dictator ends up with a lower net benefit than the supposed non-optimal policy of the democratic society.

In sum, the welfare benefits that come from social stability and patterns of behavior give us all reasons to generally defer to authority. Importantly, our

reason for action here is *content-independent* – we should obey the law *because it is the law* and not because what the law prescribes, in every instance, maximizes well-being. This is an essential feature of establishing the idea of political authority. If our only reason for complying were dependent on the content of the command, then we wouldn't be deferring to authority at all. But, importantly, this duty to obey is not absolute either. Our reasons to act in ways that contribute to beneficial patterns sit aside our reasons to act in ways that maximize well-being. And so, in some instances, we should disobey.

## Utility & Liberty

The previous section established the general utilitarian case for deferring to authority. Notably, it made no claims about how government should exercise its authority. The duty to obey is, as we said, content-independent. The nature of political legitimacy established that laws and procedures should require as little enforcement as possible. Beyond that, however, we haven't said anything about what sorts of laws or structures government should establish. But utilitarianism has much to say here as well, particularly in the context of protecting individual liberty. For the history of utilitarianism is, by and large, a history of reformist liberalism. Both Bentham and Mill railed against the Victorian norms of their time for suppressing liberty and individuality and argued for a state much more permissive of individual differences. Yet, at first glance, the case from utility to liberty seems difficult. For greater liberty can threaten stability by being more permissive of a variety of behaviors; and it can threaten individual well-being by being more permissive of people engaging in activities that threaten their well-being. Nonetheless, as Mill famously claimed, we “are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seems good to the rest.”<sup>9</sup>

The utilitarian case for liberty has not changed much from Mill's defense in [\*On Liberty\*](#). The argument consists of three related claims:<sup>10</sup>



1. Our understanding of what promotes human well-being is incomplete and prone to error;
2. Individuals are the “best judges” of what promotes their own well-being; and
3. Choosing one’s own projects is partly constitutive of human well-being

The first claim should be reasonably non-controversial (at least to most contemporary readers). While we do have a great deal of knowledge of what is beneficial and harmful to human well-being, our knowledge is by no means complete. This is for at least two reasons: for one, we are always learning more about what is generally good and bad for beings like us. Simply consider the continued growth in knowledge of healthy and unhealthy behaviors. But secondly, what contributes to our well-being is partly unique to each of us. While what contributes to our physical health may be somewhat universal, what makes me fulfilled in life will likely be different from what makes you fulfilled. The life projects we should engage in are likely different precisely because their ability to contribute to our well-being is partly a function of our individual psychologies. Put together, this claim suggests that we should leave wide latitude for individual liberty both because individuals need space to figure out what works for them and because in experimenting with their lives, they help us develop greater knowledge of what is generally conducive to human well-being.

The second claim – that the individual is the best judge of her own well-being – has been quite controversial. In part, the claim is no different than something we said above: an individual’s well-being is partly subjective or unique to her. But there is more to it than that. It has been interpreted, typically by critics, in a very strong way, as claiming that an individual is always right about what is conducive to her own welfare. I believe the better view is that the individual is more likely to get it right than others (particularly government bureaucrats or social thought leaders who do not know the individual). And the reason for this is twofold: the individual generally cares



more about her own well-being than a government bureaucrat and so cares more about getting it right; and the individual is the one who pays the costs for getting it wrong. When the government gets it wrong about what promotes our well-being, we pay the price, not the government officials (at least not directly). Thus, it is only, or at least most directly, the individual who receives the corrective feedback. We can add to this the general fact that an individual is in a better position to “course correct” quickly than a government when things go poorly. And so, all of this supports protecting individual liberty as a better means of promoting well-being than the alternative.

Finally, the third claim is perhaps the most powerful defense of individual liberty. For all that we said above is, hypothetically, solvable. There could come a time when we know all there is to know about what contributes to human well-being in general *and* have some means of knowing what best contributes to each individual’s well-being in particular. In that situation, it would appear the prior two claims no longer (strongly) support individual liberty. We could, instead, tell people what will make them happy and enforce it. In that situation, this third claim – that the autonomous selection of life plans is partly constitutive of well-being – stands as the bulwark of liberty. Both Mill and, more recently, Raz, have emphasized this idea (albeit in different terms) in similar ways.<sup>11</sup> First, they both note that key to human well-being is the pursuit of valuable goals and projects. But second, they both also argue that to fully realize the value of such pursuits, we must understand and appreciate their value. Being forced to engage in a valuable pursuit may not lack all value, but it certainly lacks some important value. Finally, they both also argue that the exercise of our capacities to consider different projects and choose from among them is itself valuable. Thus, in a world where valuable projects are forced on us, they are both less valuable and we lose out entirely on a source of value. And so, if we are seeking to build a society that maximizes human well-being, it will necessarily be a society that cultivates peoples’ abilities to consider and choose among options and leaves them free to do so.

It has been a common criticism of utilitarianism that it would seemingly support (benevolent) dictators as well as substantial social control. But a fuller understanding of human well-being helps us see why that is unlikely to be the case. A free society is a happier society, both intrinsically and instrumentally.

## Justice for Utilitarians

Alongside the criticism that utilitarianism supports significant social control, it has also historically been taken to support injustice. Or, in other contexts, to simply be unable to account for the distinctiveness of justice. While the twentieth century saw such criticism lodged by the likes of John Rawls, Robert Nozick, and Ronald Dworkin, John Stuart Mill spends [an entire chapter of \*Utilitarianism\*](#) responding to the critique.<sup>12</sup> And our approach is largely a more developed form of his own. The question we aim to answer is how can utilitarianism make sense of justice as a political-moral end, distinct from the mere pursuit of utility?

The answer begins by recognizing justice as a distinct virtue focused on respecting rights and following established rules and procedures. While ultimately justified by its contribution to human well-being, justice functions somewhat independently in practice. This is because the social patterns of respecting rights and following procedures have value beyond the consequences of any particular act of compliance. When there is general respect for rights and procedures, people can form stable expectations and make long-term plans. This provides security—both physical security and security of expectations—that is vital for well-being.

To understand how this works, we can draw on Christopher Woodard's application of pattern-based reasons to utilitarian theory.<sup>13</sup> Unlike traditional rule utilitarianism, which asks us to follow rules that would produce the best consequences if everyone followed them, pattern-based reasons are grounded in actual social practices. We have reason to respect rights and follow procedures because doing so contributes to valuable patterns of behavior that

exist in our society. Crucially, these pattern-based reasons include a “willingness requirement”: our reason to act in accordance with a pattern depends on there being a realistic chance that others will also play their part. We aren’t required to follow rules that no one else follows just because universal compliance would be good. Instead, we have reason to support and maintain valuable patterns of behavior that already exist or have a reasonable chance of emerging. In this way, the use of pattern-based reasons mirrors a common consideration in political philosophy: that we ought to play our part in forming and maintaining society, but such an obligation is dependent on others playing their part as well.<sup>14</sup>

This approach helps explain both why we should generally respect rights and follow procedures, and why these requirements aren’t absolute. Pattern-based reasons exist alongside act-based reasons—reasons stemming directly from the consequences of our individual actions. While pattern-based reasons for respecting rights and procedures are typically strong and apply regardless of the specific content of the right or procedure (they are “content-independent”), they can be outweighed in extreme cases where the direct consequences of violation are sufficiently important.

For example, we generally have strong reason to respect property rights because the pattern of property rights respect enables planning and coordination. But in an emergency where violating property rights would save lives (breaking into a cabin during a blizzard), the act-based reasons can outweigh the pattern-based ones.<sup>15</sup> This matches our intuitive sense that justice is extremely important but not absolutely binding.

## Utilitarian Public Policy

Thus far, I have focused on how utilitarians can make sense of the distinctiveness of political morality, with its focus on adherence to rules and procedures and its appeal to rights and justice. My approach has presented a more complicated theory of utilitarianism that takes us beyond direct

application of the principle of utility to politics. But we should not entirely abandon that approach, for as Robert Goodin has argued, “[t]he strength of utilitarianism, the problem to which it is a truly compelling solution, is as a guide to public rather than private conduct.”<sup>16</sup> In his book, *Utilitarianism as a Public Philosophy*, he argues that much of what critics would describe as vices of utilitarianism as a theory of morality become virtues in the domain of public policy. While we may not want our friends to be impartial and coldly calculate the consequences of their actions, that appears quite appropriate when deciding on public policy. Consider the expectations we have of lawmakers: they should not privilege their own or their family’s interests in deciding on policy, and they should certainly do their due diligence to think through the consequences of the policy. As such, they should broadly think like utilitarians. While the foregoing discussion of adhering to legitimate procedures, obeying laws, and respecting rights will still be relevant, that should sit alongside applying the principle of utility to policy alternatives. And in taking this approach to policy analysis, we will see that utilitarianism offers a powerful approach that deals better with some of the most pressing issues of public policy. To do so, I’ll briefly sketch utilitarian arguments for three controversial policies: a universal basic income, futures assemblies, and open borders. In offering these arguments, my main goal will be to draw out some common themes of utilitarian political thinking that are best highlighted by consideration of the policy. I do not here suggest that the cases made are decisive nor that all relevant matters are considered.

## Universal Basic Income

General utilitarian support for social welfare programs should be obvious: to the degree such programs can improve peoples’ well-being, they should be supported. But, whereas the dominant paradigm of social welfare policy emphasizes *means-testing* and limits the uses of benefits, a utilitarian approach would lend support for a universal basic income (UBI): a policy whereby all individuals receive some basic sum of money to do with as they

please. This is, fundamentally, because such an approach is likely to be more efficient at improving well-being than the alternatives.

Robert Goodin argues that means-tested approaches to social welfare must make significant sociological assumptions in establishing eligibility criteria.<sup>17</sup> As a result, they are prone to error due both to a failure of initial assumptions and a changing of the social landscape rendering previously correct assumptions no longer valid. This ultimately means that such systems are likely to be inefficient in the long run; over time, they will fail to (best) achieve their stated goals. A UBI, on the other hand, is a “minimally presumptuous strategy” largely because it does not rely on drawing a distinction between those “deserving of assistance” and those not.<sup>18</sup> In this way, it will never leave someone out who could benefit from assistance. In contrast, typical welfare schemes are well known for creating “welfare cliffs”: points where a small increase in income results in a significant loss of benefits, leading to a net loss for the individual. This contributes to their inefficiency but also encourages some of the behaviors that critics of social welfare are so concerned about, such as disincentivizing job-seeking. Finally, means-testing approaches are less efficient in two further ways. First, by requiring individuals to prove eligibility, they greatly enhance the barriers to receiving assistance. As a result, many who should be eligible and thus fit the stated target of the program are left behind. Second, and relatedly, means-testing approaches require a significant bureaucracy to review eligibility and root out abuse. Such a bureaucracy is quite expensive and so there is a financial trade-off as well.

When it comes to social welfare policy, utilitarianism directs us to be forward-looking, thinking about how we can best maximize gains in aggregate well-being. We ignore, or only instrumentally consider, backward-looking considerations such as deservingness. To the degree limiting benefits based on various factors would enhance well-being more than not limiting those benefits, then utilitarianism can support some forms of means-testing. But, as

suggested above, it seems likely that target efficiency of social welfare can be improved through a universal basic income.

## Futures Assemblies

Governments are notoriously bad at navigating long-term issues. We've witnessed general failure of concern for biodiversity, climate change, and other matters which will, for the most part, negatively impact people (and non-human animals) who are yet to exist. While the causes of such failures are myriad, utilitarianism can offer at least one key corrective. From the utilitarian perspective, [future people are just as morally important](#) as those who currently exist. Add to this the likely (hopeful?) fact that the number of future people is likely to greatly exceed the number of currently existing people, and it becomes essential that their interests are accounted for. One such proposal for representation comes in the form of *futures assemblies*: assemblies of existing people explicitly mandated to represent the interests of future generations.<sup>19</sup>

As John & MacAskill advocate it, futures assemblies would be modeled on citizens assemblies, incorporating randomly selected citizens into a deliberative body that provides non-binding advice to governments. But the idea could also be understood more broadly. For instance, legislative bodies could have some representatives whose explicit role it is to advocate and represent future generations. Or, taken even further, the creation of a legislative body whose entire focus is on long-term matters. John & MacAskill imagine a bicameral system where a lower house focuses on current generations and an upper house on future generations, thus resulting (with the appropriate institutional design) in a system that balances current and future interests.<sup>20</sup> Regardless of the precise make-up of such representation, the core idea here is that utilitarianism lends its support to direct consideration of future generations in a way that alternative approaches to politics do not.

Many approaches to political philosophy, especially those influenced by the contractualist tradition, struggle to account for the interests of anyone who

cannot be “party” to the social contract. Future generations, non-human animals, and even children can be left behind as not central to the overall theory. While such approaches can work to claw back concern in various ways, utilitarianism provides a superior response by simply accepting that these groups matter from the start, and they matter no less than those who are able to make and respond to political demands here and now.

## Open Borders

The foregoing discussion of futures assemblies emphasizes the *atemporality* of utilitarian concern – the value of interests is not affected by when someone will exist. But utilitarianism is also insensitive to territory and geography. In contrast to dominant approaches to foreign policy and immigration, utilitarianism directs us to a [cosmopolitan](#) view of such matters: each is to count for one, and no one for more than one, regardless of place of birth or the current territory they reside in. As such, a utilitarian approach to immigration will largely reject any “right to exclude” and instead favor a significant liberalization of immigration policy.

A utilitarian approach to immigration rejects the idea that nation-states have the right to unilaterally design and enforce immigration policy. The case for any such right would be dependent on the right being a better means of promoting global well-being than alternatives, and it seems unlikely that that is the case. Instead, a significant political and economic literature on immigration suggests that if nation-states, particularly the wealthiest, were to liberalize immigration, we would witness a doubling of world GDP and a massive reduction in global poverty.<sup>21</sup> In this way, open borders would be better specifically for the global poor, by offering them mechanisms for improving their situation, and for everyone else in the form of greater global economic productivity.

Immigration restriction is typically justified by appeal to notions of state sovereignty or the privileging of the interests of current residents. In this way,



proponents of restriction often defend a robust right to exclude.

Utilitarianism's instrumental approach to rights and commitment to cosmopolitanism offers a different approach. While it may still be possible to offer a utilitarian case for restricting immigration, any such case would need to appeal to the global well-being benefits of doing so. It is insufficient to suggest that some matter more than others.

## **Conclusion: The Utility of Politics**

Utilitarianism, I have argued, presents an especially attractive approach to political theory and practice. I have aimed to emphasize core commitments of utilitarianism, such as its explicit commitment to an end of political life and respect for individuality, but intentionally left open many of the precise implications of these commitments. Should utilitarians be democrats? Should we have robust and extensive property rights, including in such things as capital? Under what conditions could the state be justified in limiting individual liberty? These are all open questions, as they should be. It is notable that Mill, over the course of his life, supported liberalism, capitalism, representative democracy, plural voting, and socialism. Not to mention colonialism. The goal of a political philosophy should not be to settle all political questions but instead to provide the framework within which we can debate those questions. Thus, to the degree that a population would only find democratic procedures legitimate, and we have seen the value of political legitimacy, then utilitarianism would support democracy over alternatives. Inevitably, though, many of these matters will depend on empirical facts that will change across cultures and times. And this may, in fact, be the most attractive feature of utilitarianism: its substantial sensitivity to the facts on the ground. For at the end of the day it is we, real people in the real world, who must engage in politics, not our ideal selves in some hypothetical well ordered society.

## **About the Author**



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## How to Cite This Page

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11. Mill, "On Liberty", chap. 3; Raz, *The Morality of Freedom*, chap. 14. ↩

12. The criticisms can be found in Rawls, *A Theory of Justice*; Nozick, R. (2013). *Anarchy, State, and Utopia*. Reprint Edition. New York: Basic Books; Dworkin, R. (2000). *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge, MA: Harvard University Press.; Mill's engagement with the criticism can be found in Mill, J.S. (2002). *Utilitarianism*. 2nd edition. Indianapolis, IN: Hackett Publishing Company, chap. 5. ↩

13. Woodard, *Taking Utilitarianism Seriously*, chap. 5. ↩

14. You find this sort of insight in Hobbes's second law of nature and Rawls's theory of political obligation, for instance. ↩

15. This "cabin" case is borrowed from Nozick, *Anarchy, State, and Utopia*. It is worth noting that the instances where act-based reasons outweigh pattern-based reasons must be rare. Otherwise, acting on the act-based reasons will eliminate the pattern, or at least reduce it sufficiently such that the benefits of the pattern are lost. ↩

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