Title: The Epistemic and Informational Requirements of Utilitarianism

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Abstract: A recurring objection confronting utilitarianism is that its dictates require information that lies beyond the bounds of human epistemic wherewithal. Utilitarians require reliable knowledge of the social consequences of various policies, and of people’s preferences and utilities. Agreeing partway with the sceptics, I concur that the general rules-of-thumb offered by social science do not provide sufficient justification for the utilitarian legislator to rationally recommend a particular political regime, such as liberalism. Actual data about human preference-structures and utilities is required to bridge this evidentiary gap. I offer two arguments to support the availability of such information. First, I contend that ordinary human beings have a clear method of epistemic access to reliable information about commensurable preference-structures. Second, in an attempt to shift the onus of philosophic argument, I show that the utilitarian legislator’s requirements do not differ in kind from those implicitly called upon by the sceptical deontic liberal.
Almost since its birth, utilitarianism has been subject to a quite unique objection. It is charged that the dictates of utilitarianism – as both a personal and public morality – are impossible to follow because they require information that lies beyond the bounds of the human mind.

In terms of utilitarianism as a public (or political) morality, which will be my exclusive focus in this paper, a wide swath of arguments were immediately brought to bear against the idealistic hopes of the first utilitarians that simple application of hedonic calculi could serve as a determinate and demonstrable basis for all legislation and political policy.\(^1\) The first such challenges to utilitarianism were perhaps a little crude, and one can sense the frustration of John Stuart Mill when he retorted that, ‘there is no difficulty in proving any ethical standard whatever to work ill if we suppose universal idiocy to be conjoined with it.’\(^2\)

Over time however, as more realistic and refined accounts of utilitarianism were offered, the objections themselves became increasingly more sophisticated, drawing on decision theory, analyses of market structures, and epistemological constraints to show that these accounts avoided justifying crucial steps, or conceded too much. An implication that can be drawn from these considerations is that utilitarianism cannot justify an overall type of political system. In particular, utilitarianism cannot justify liberalism. By ‘liberalism’ I refer to the collection of various key features of the liberal polities of the Western world, such as their adherence to civil-rights, democracy, Rule of Law and their market-based economies.
I will argue that upon enquiring into the precise epistemic requirements of utilitarianism, we have good reason to believe that these requirements can be met – at least to the level required to allow the justification of an overall polity.

My argument proceeds as follows: after considering some relevant decision-theoretic issues in §1, in §2 I will introduce some very general social science postulates concerning interactions between and within agents in terms of their behaviour, beliefs, resources and preferences. The key question then arises: whether extrapolation from these types of postulates will provide enough information for the utilitarian to immediately and without further ado justify a particular polity, such as liberalism. I will sketch three ways in which such a justification might be envisaged to take place, and conclude in each case that the utilitarian requires more information than that encapsulated within the postulates. This negative result, however, will be useful in elucidating the type and amount of information the utilitarian requires in order to build upon such social science. The utilitarian must be able to make *Three Requisite Claims*, each of which involves knowledge about other people’s preferences and overall utilities.

In §3 then, I will give two arguments suggesting that the required type and amount of information is available. The first argument will provide a conceptual epistemic account of how this sort of information may be accessed. The second argument will show that the informational requirements necessary for answering the Requisite Claims are not, in fact, different in kind from those necessary for the implementation of any other non-anarchic polity, and therefore that – while it is possible that these concerns cannot be met – there is a *prima facie* tension for any theorist who wishes on the one
hand to contend utilitarianism has particular epistemic or informational problems, but on the other wishes to put forward in its place any non-anarchic polity.

I conclude that a utilitarian justification of liberalism is possible given the practical epistemic constraints of human beings. Ultimately I won’t show that utilitarianism justifies liberalism – rather I will argue that there is no epistemic impediment to its doing so.

SECTION ONE – RATIONALITY AND THE ACTION HORIZON

Before proceeding any further, it is worth clarifying some terminology. A *cardinal preference* that an individual has is the propositional content of a preference combined with the cardinal measure of the intensity to which it is preferred. An individual’s *preference-structure* is that individual’s entire set of cardinal preferences. The individual’s *utility* combines their preference-structure with the objective measurement of the degree to which each of those preferences is fulfilled; an individual thus has a higher utility the closer they are to the maximum given the available social conditions. *Overall utility* is created by the addition of all such individual utilities across a given population. I will simply assume that people do have largely coherent preference-structures\(^3\) and that different states of the world can fulfil them to greater or lesser degrees, meaning they also have utilities. In §3 I will argue that preference-structures and utilities are knowable by others and that they are intersubjectively comparable.

Utilitarianism mandates that individuals morally ought to maximise expected overall utility, so defined. It is worth discussing a few decision-theoretic issues which bear directly on the levels of information required to engage in such an endeavour. It is a
commonplace in decision theory to distinguish between ‘rational’ decisions (which maximise expected utility given the estimated probabilities of each outcome) and ‘right’ ones (the decisions that, as things turned out, caused the best or equal best outcome). In complex real-world situations it is rarely the case that the rational choice is the right one. There is almost always something that would have been done differently if perfect foreknowledge had been possible. It is occasionally argued as if the business of the utilitarian is to make the right decision, and that failure to do so constitutes a, ‘missing of opportunity’ that is in some sense analogous to the (all-or-nothing) failure to reach a destination. This is simply a mistake. The business of the utilitarian is to maximise expected utility – to make rational decisions. This procedure need not require – nor even correlate with – the making of right decisions.

In order to make rational decisions, the utilitarian must be able to make justifiable claims about the estimated utilities and probabilities of the available strategies. If she cannot make any such claims about at least one of her options, the utilitarian faces what in decision-theoretic terms is known as a ‘decision under ignorance’, where maximisation is impossible. Note however, what an extraordinarily strong claim it is to say that we can make no claims about the probability-of-success or utility of some option. For example, to say that a utilitarian in considering two crime-prevention strategies (say, ‘increased sentences’ versus ‘more job opportunities for the poor’) is in a decision under ignorance is just to say that they can make no justified probability or utility estimates regarding at least one of the strategies. This would have the direct corollary that the utilitarian could not claim that this strategy was likely to be better than any other strategy which we may discard out of hand – such as rewarding criminals with cash and slaves.
In decision theory, a decision under ignorance is typically contrasted with a ‘decision under risk’, this latter being a decision where we can indeed make justified probability and utility imputations. While it is worth recognising how strong a claim it is to say that we are facing a decision under ignorance, it must also be admitted that a decision under risk – as conceived in strict decision theoretic terms – is equally as extraordinary a claim. For it requires having an exact probability number or utility level to feed into utility calculations and decision tables. In fact, however, the vast majority of imputations we are likely to make are vague. Even those utility imputations of which we are most confident are likely to be (at some given decimal point) no more than estimates over a given interval. Often, the same reasons we have for imputing the interval are reasons for having an idea about probability distribution across that interval, but this does not ultimately dissolve the problem of vagueness, for the indeterminacy simply recurs on this higher level of probability distribution across the interval.

In the real-world then, vagueness will be an inevitable part of all decisions, and we will often lie in an unenviable position somewhere between pure ignorance and risk. Such vagueness need not render impossible decision-making on utilitarian bases any more than it does so in everyday personal realms. The crucial issue is the extent of the vagueness (the wideness of the imputed intervals), for this determines our capacity to individuate one correct strategy. Legislators may often be faced with a group of policies which, given the vagueness associated with their respective utilities and probabilities of success, are equally ranked by utilitarianism. While the legislators may not be able to choose which policy is best within this group, they may well be able to confidently state that all these policies are clearly superior to some other group of policies, which is in turn
superior to another group, and so on. In such cases utilitarianism is capable of limiting
the options, but not of determinately selecting amongst them.\textsuperscript{11}

This requirement of avoiding decisions under ignorance has another specific area
of relevance. It is occasionally claimed that a key problem for utilitarianism is not so
much centred on whether an agent can achieve a particular goal, but whether she can
reasonably assume that the un-noticed effects of her action – effects peripheral to the
particular goal at hand – will not have any major deleterious consequences. If we cannot
make probability estimates within a workable degree of vagueness about the likelihood of
such consequences then all utilitarian decisions are made under ignorance. On the other
hand, if we have justified reasons to believe that peripheral and un-noticed side-effects
will not significantly impact upon expected utility, then the immediate benefits directly
before us become rationally decisive.

There are several reasons for thinking that agents have strong justifications for
imputing very small probabilities to large-scale consequences arising from the un-noticed
and peripheral effects of their action. Let’s introduce some terminology here and say that
an effect falls outside the \textit{action horizon} when an agent justifiably neglects it – or
considers it and then justifiably puts it aside – in their assessment of consequences and
expected utility.

The first reason that some events fall outside the action horizon is simply that
(subject to two forthcoming caveats) small changes do not normally make big differences
to future events. Prosaically, kingdoms may indeed be lost for want of a nail, but set
against the backdrop of the amount of nails wanted on an everyday basis, it is atypical for
single-nail-shortages to collapse major dynasties. Notwithstanding this, there are two circumstances where we might think this general rule-of-thumb is liable to prove false.

First, while unnoticed and peripheral effects may, in and of themselves, have little consequence, it is nevertheless possible that these effects, in concert with similar effects from millions of others’ similar actions, can ultimately have significant consequences – particularly in environmental contexts. The actual contribution of any one act to an environmental disaster like global warming or ozone depletion is extremely small, but a tiny contribution to a catastrophe may still carry nontrivial dis-utility. This realisation may give us pause in our utility-estimations of peripheral effects in those cases where we surmise that these effects are being replicated on a massive scale by others. Even in such cases, however, it is still the norm only to give serious weight to such consequences when we have specific evidence of deleterious consequence. There are innumerable ‘similar effects’ instantiated by humans every day which we have no reason to believe will ever create significant environmental problems.

As to the second circumstance: in chaotic systems infinitesimal differences in initial positions can (and in many cases must) give rise to vast discrepancies later. ‘Chaotic’ here is used as a mathematical term of art – the chaos of politics or war, for instance, need not be chaotic in this strict sense. There are undoubtedly a variety of chaotic systems impacted upon by human action – most obviously, the weather. Whether or not I move to save a child from a falling bookcase may, if circumstances in the atmosphere are structured appropriately, cause a movement of air that will eventually (perhaps in thousands of years) be a decisive causal component in the formation of a devastating tornado. However, while chaotic systems constitute potential exceptions to
this first rule-of-thumb, the following several considerations can be salient even in chaotic situations.

A separate reason we have for imputing minimal changes to expected utility from small effects is that we might have reason to believe these effects are simply not constituted in such a way as to alter the probabilities of future events. Whether or not one pauses briefly before rolling a pair of dice may alter the result from what it would otherwise have actually been, but in so doing one does not change the probability of any particular numerical result, and hence does not change in any way the expected utility of any wager whose outcome is contingent upon the result.

A third reason for placing effects outside the action horizon is that while we may often have difficulty imputing the probability of a particular occurrence, we may also have good reason to think it will be similar to a counter-veiling occurrence. I may not know the chances of whether a given child will grow up to be a murderer – but if I am faced with the choice of saving one of two drowning children it is enough for me to know their chances of being-a-murderer are roughly equal for each person, given they are both drawn from the same human stock.¹²

Fourthly, we often justifiably assign lower probabilities to events occurring far into the future. The obvious reason for this is that myriad events, small and large, may interrupt the causal concatenation that leads to the specific hypothesized event. But there is a particular reason we assign low probabilities to large-scale deleterious consequences occurring far in the future – namely that we ourselves (and other moral agents) may have myriad opportunities in the intervening time to stop the dominos falling, or at least to
ameliorate the problems caused by an inevitable event. Every act is not the last word on a subject.

These several reasons all suggest that un-noticed effects typically do not impact greatly on expected utility. There is a more general reason for accepting this claim. Simply, if un-noticed effects of some type did tend to have large-scale consequences then we would begin to take notice of these effects. Certain effects acquire the status of un-noticed-effects precisely because, over time and through noticing the effects of our actions on others and the effects of other’s actions on us, we have learned to notice those effects which tended to have major consequences and ignore those effects which did not. This general confidence we have in the lack of major consequences from un-noticed effects can be further supported if we put in place systems that allow feedback on our actions, such that other people are able to voice their opinion on whether some action is having unwanted effects in an area orthogonal to our particular focus but relevant to their particular projects.

The claim here is not that un-noticed, peripheral and seemingly small effects do not ever have terrible consequences. Rather, the claim is merely that, absent specific evidence to the contrary, agents are strongly justified in believing such effects will negligibly impact on an action’s expected utility. It is this reasoning which justifies (in some circumstances at least) the utilitarian acting for some immediate utilitarian gain and believing that all other things will be – in the main – equal. It is worth noting that symmetrical concerns occur in purely personal decision-making. In assessing the consequences of a business venture or personal relationship to one’s life prospects, if an individual is to make a justified decision under risk, there must be some point at which he
can reasonably conclude that further consequences of exfoliating causal chains need not be considered in his calculations.

One other important corollary of the action horizon is the lessening of factors to which a utilitarian agent must pay heed in her calculations – a wide variety of imaginative speculations about whether people are liable to commit murders or cure cancers falls beyond the action horizon. The ability to justifiably ignore such speculations reduces the utilitarian’s information-gathering and computational requirements.

To summarize to this point; utilitarianism requires making decisions under risk within workable bounds of vagueness. This in turn requires that probabilities and utilities may be justifiably estimated, and that the action horizon be utilisable to know which effects are unlikely to have significant impact on expected utility.

SECTION TWO: THE POSTULATES AND THE REQUISITE CLAIMS

The next issue that confronts us is whether – from the menagerie of diverse rules-of-thumb (the ‘toolbox of mechanisms’ as John Elster puts it) that can be distilled from social science – the utilitarian is able to justifiably make a decision under risk in favour of an overall political regime such as liberalism. To answer this question, let us review a laundry list of the sort of social science postulates to which the utilitarian may refer.

**One:** *The indirect postulate; it is easier to follow a rule than it is to instantiate a goal.* It takes less ratiocinating power to work out if current circumstances fall under the ambit of a rule than it does to calculate what the effects of any given action will be – particularly if
the desired goal is not immanent.\textsuperscript{15} Certain other aspects of rule-following are worth noting – for instance that rules are, compared to goal-directed action-strategies, easier to remember, easier to communicate and easier to recognise in other’s behaviour.\textsuperscript{16} Let’s also note that agents interacting on the basis of pre-established rules allows for the possibility of \textit{coordinated} outcomes – leaving it an open question whether in any case a coordinated outcome is a useful addition to their set of alternatives.\textsuperscript{17}

\textbf{Two: The liberal postulate; in most circumstances, the individual best-placed to fulfil a particular preference is the preferring agent themself.} People have more intimate and comprehensive knowledge of their own goals and, perhaps most importantly, are intrinsically motivated to fulfil their own goals. Furthermore, they will often have comparatively greater opportunities for fulfilling their goals, given that such goals usually involve the preferring agent themself in manifold ways – perhaps the preferred state-of-affairs has a natural physical propinquity to the agent, or the agent is a part of the state-of-affairs, or the agent wishes to personally cause the state-of-affairs, or the agent wishes to personally know if the preferred state-of-affairs inheres.\textsuperscript{18} Finally, personal goals have certain other features – such as being time-discounted and restricted in scope – which makes them easier to fulfil than more other-regarding (social) ones.\textsuperscript{19}

The liberal postulate militates in favour of respecting the different decisions made by agents to invest their time and energy in acquiring disparate types of resources.\textsuperscript{20} Each person’s preference-structure will have idiosyncratic requirements for different types of resources: economic resources, free-time, levels of health, fitness and even beauty, standards of security and stability, degree and nature of education, the extent and content
of one’s social sphere or political influence, and so forth. If circumstances allow, agents acting over time may be able to focus on the accumulation of resources germane to their own particularised requirements. If so, then any exogenic redistribution (say, an egalitarian redistribution) of any of these aforementioned goods may well constitute taking a good from someone whose preferences specifically require it, and providing it to someone whose use and appreciation of it is much more limited, given their own preference-structure.

**Three**: The free-market postulate; the typical response of agents to an environment where property and exchange are protected is to deliberately find a method of fulfilling others’ needs and to use this capacity to generate resource for themselves. This is the invisible hand of Adam Smith at work, explaining how the free-market subtly hitches any agent’s betterment of her own situation with the bettering of other’s situations.\(^{21}\) F. A. Hayek added to this thesis the efficient use the market makes of decentralised information. Needs are filled, not by the deliberate connivance of any centralised organisation, but by the intuitive entrepreneurial skills of all humans, in exploiting their particular position and knowledge to their own, and subsequently other people’s, benefit.\(^{22}\) Note that the free-market postulate is only advancing the above broad claims about behavioural responses; I am not intending any of the much stronger contentions that, for example, the unfettered free-market most efficiently distributes scarce resources, or maximally makes use of all available information. This postulate is not theoretical - it simply follows from observations of the relative productivities of command economies.
compared to the much freer markets we observe throughout the western world and elsewhere.

**Four:** *The punitive postulate; Agents will typically act to avoid imprisonment and monetary fines.* Given that agents are motivated to fulfil their preferences and that the best agent for the fulfilling of a preference is typically the preferring agent themself (the liberal postulate), it follows that an agent will ordinarily be motivated to avoid the curtailment of their free-action, or a diminishment in their overall resource.

**Five:** *The egalitarian postulate: humans fill their preferences by applying resource with diminishing marginal returns.*[^23] (This is just to say that with each additional quanta of resource invested to a particular person, we can expect a lower return of utility-increase than we procured with the last quanta invested with that person.) If we know nothing further about which particular agents have the more (or less) efficient resource-to-utility conversion functions, then a totally egalitarian distribution must be the rational choice – i.e. *the option which will maximise expected utility.* (For a full explication of this claim, see Appendix One.) It is worth distinguishing this claim from a perhaps more popular notion of the egalitarian claim, *viz.* ‘given diminishing marginal returns, and an assumption that people’s abilities to transfer resources into utility are roughly even, then an egalitarian distribution will be (*pro tanto*) optimal.’ The egalitarian postulate above replaces the ontological assumption in this latter rendition with an epistemological standpoint; instead of presuming people have quite similar resource-to-utility conversion functions (which seems false, in any case), let us accept that such functions may well
differ greatly from person to person but consider a circumstance where we don’t know which people have the more or less efficient functions. In such a case, the egalitarian postulate states, an equal distribution of resources will maximise expected utility.

**Six:** The public-goods postulate: There are certain goals (public goods) which can only be protected or will only be produced by enforcing limitations upon, or exacting contribution from, each member of a group. The logic of collective action shows clearly how individual agents acting rationally can collectively produce outcomes that they would all agree are suboptimal.²⁴

I will not argue for the reasonableness of the above postulates. The sceptical arguments confuting the utilitarian project are typically not arrayed against these types of very general and abstracted claims. Rather, they contend the problematic nature of the movement from these sorts of claims to the utilitarian recommendation of specific policies. We will review three attempts by utilitarians to justify this move. In each case I will argue that the justification fails, and that the missing evidence which might justify the conclusion must come in the form of reliable knowledge concerning people’s preference-structures and utilities.

The first avenue involves focus on prototypical micro-level actions and interactions, that is, unilateral actions undertaken by a particular agent (such as productive labour), or multilateral interactions between two or more agents (such as trade). The exclusive emphasis here is on the behaviour of, and consequences for, the individual agents involved in these actions/interactions, rather than the policies and
outcomes of the politico-economic system as a whole. For instance, the utilitarian might
mount a defence of the institution of private property (and ultimately free-exchanges of
property) on the basis that this allows people to work for (or exchange) goods to improve
their own situation over time, and, ‘protecting an action that makes someone better off
while making no one worse off produces a better state of affairs on the whole.’  

An initial problem with this approach is in justifying the ‘makes no one worse off’
clause. This can be seen as an appeal to what I have in §1 referred to as the action horizon.
The claim is that within the trading dyad we can discern a utility improvement, and we
have reasons for believing that consequences arising outside the dyad will not impact
significantly on expected utility. The question is; do we indeed have such reasons?

Firstly, it may be that even if some unilateral action on the part of an individual
has no significant further consequences on the world, the action itself may constitute a
derogation of others’ preferences. This may particularly be the case if these others have
other-directed preferences – they are envious, lewd or prudish, say.  Some appeal to
preference-knowledge is necessary to show at least that other-directed preferences of this
type are not vastly more common and powerful than the type of self-directed preferences
that unilateral actions of this ilk are capable of fulfilling.

Presuming this case can be made, this micro-level approach gains in respectability.
We can assess various types of unilateral and multilateral action/interaction types in
terms of their various capabilities for fulfilling the preferences of the agents involved.
Plausible desiderata for making such assessments might include an appeal to input/output
efficiency – for each action/interaction type, how many persons and how much time and
effort from each does it take to fulfil how many separate preferences? Other desiderata
include showing how agents will be aware of the preferences they are intended to fulfil, and be motivated to fulfil them. Broadly liberal action/interaction types excel here because of their elegant answers to questions of knowledge and motivation; agent X is primarily in the business of fulfilling agent X’s preferences, of which, \textit{ex hypothesi}, X is cognizant and motivated to fulfil. Yet even here, significant preference-structure knowledge may be required for determinate answers to the question of the selection and recommendation of optimal strategies: small differences in payoffs, beliefs, iterations, expectations, visibility, and neighborhoods can make surprisingly powerful differences to game-theoretic representation and its subsequent recommendations for what counts as a felicitous action/interaction-type.  

Purely on the micro-level of individual inter/actions, these recommendations may be determinate. The further problem however, is in justifying this focus. The egalitarian and the public-good postulates can both be used to provide cases where the best agent to fulfil a particular preference is not – at least, not primarily – the preferring agent himself. For example, we might find that the overall distributive effect of the free-market is radically unegalitarian, and the egalitarian postulate would therefore contend that at least one type of efficiency is being sacrificed by this arrangement. This inequality might become an over-riding concern if it threatened to deny to many people the level of choice and control over their lives which the liberal postulate itself recommends. Alternatively, agents may have shared preferences which require certain public goods – but in a purely laissez-faire free-market, such goods may be grossly under-produced and under-protected. If preferences requiring public goods were common, and we have no reason (sans any evidence on preference-structures) to presume one way or the other, then our liberal
society could be quite suboptimal. In other words, we have not yet any reason to be more concerned with protecting through personal rights how individuals go about individually fulfilling their individual preferences, than with focusing on collective rights and duties which ensure that groups can go about collectively fulfilling shared preferences. If so, it is not possible to give an account of the prototypical means of preference-fulfilment while remaining entirely silent about the ends (the preferences themselves). At the very least we will need to know the types of preferences people commonly have – where by ‘types’ I mean whether they are of the form that can be filled by unilateral and bilateral actions/interactions, or whether they are fulfilled by or require public-goods.

A similar problem ensues for the second avenue. This route focuses on a macro-level of social interaction, and looks at defending a group of primary goods deemed necessary for preference-satisfaction. The problem is not so much in coming up with such a list. We may fashion a plausible inventory of social desiderata including education, civil liberties, economic equality and Rule of Law of which we expect that each one taken on its own – given just the relationships between preferences, resources and knowledge outlined in the postulates – would increase utility over some anarchic state of nature. But without appeal to preference-knowledge the utilitarian cannot weigh one desideratum against the other and so cannot meaningfully compromise between them. Yet in all public choice scenarios, including those of choosing an overall polity, this necessity of compromising one good for another is ubiquitous. Simplistically, a polity where free-market gains are abjectly compromised for equality might give us various
forms of socialism, and a polity where liberty is abnegated by concern for one set of public goods might give us theocracy.

The third avenue widens its focus still further and investigates overall systems and broad social praxes that have worked previously, and acts to uphold them, or even incrementally improve them. Elster distinguishes several problems with the incrementalist approach – primarily that the relationship between small-scale, short-term gains and large-scale, long-term gains can be problematized in a variety of ways. While these concerns are crucial to understand if one is to attempt some form of incrementalism, they are not decisive against the practice *per se*. They merely show how in certain situations (where localised problems belie long-term, large-scale benefits and allowances cannot be made for this in implementation or assessment) one may, ‘miss an opportunity.’ More important, as regards our present concerns, is that such approaches implicitly call on a wide swath of preference-information. It is necessary to be able to make assessments of the amount of gain made by one praxis as compared to other available options, to be able to distinguish from myriad other social causal agents which particular praxis is creating the gain, to have some knowledge of how to sustain or correct the praxis in view of changing circumstances, to select a new policy from a potentially infinite set, to have some idea of the problems with tinkering in various ways with the praxis, and what to do when several conflicting praxes each seem to deserve protection. Even in cases where we wish to keep tinkering to a minimum, and wish only to hold firm to an indigent set of spontaneously evolved praxes which we have reason to believe allow many people to fulfil their preferences, the utilitarian cannot plead widespread epistemological fallibility in order to avoid considering other approaches.
genuinely ignorant of whether massive gains do or do not lie in other polities then we cannot rationally (or utilitarian-ly) recommend liberalism, for any decision to do so is made under ignorance.

I conclude that none of the above avenues are capable of recommending that a utilitarian, on the basis of social science alone, should rationally choose liberalism. Each avenue does constitute a genuine way forward, but each must be supplemented by preference-knowledge. In order to move from the postulates to a utilitarian justification of liberalism there are Three Requisite Claims we need to be able to make. It is necessary for each of the above avenues to be able to make all these three claims, but I note that each claim has a particular relevance for each of the avenues:

- **The Action-Horizon Claim**: We know enough about other’s preference-structures and utilities that we can estimate what sorts of effects will typically not make much difference to their utilities. (This aids particularly in the justification of the first (micro-level) avenue, as it opens the possibility of saying, ‘all other things outside this dyadic exchange will be equal’.)

- **The Compromising Claim**: We know enough about other’s preference-structures and utilities that we can estimate the amount of preference-fulfilment that is coming from not-interfering with people’s goal-directed pursuits and the amount of preference-fulfilment that comes from protecting a public good or providing for the very poor. (This allows us to estimate within what degree of variance liberal policies should be compromised for egalitarian and public-good initiatives, thus opening the possibility of the second (macro-level) avenue.)
The Large-Scale Assessment Claim: We know enough about other’s preference-structures and utilities that we can estimate whether people in liberal polities have at least as high an average utility as people in other arrangements. (Broadly, this may justify commitment to an indigent set of spontaneously evolved praxes in a particular society, apropos the third (overall-assessment) avenue.)

With these Requisite Claims in mind, let us turn to the question of what can be known about the knowledge of others’ preference-structures and utilities.

SECTION THREE – KNOWLEDGE OF PREFERENCE-STRUCTURES

The three Requisite Claims each necessitate having knowledge about people’s preference-structures and utilities, and being able to compare and aggregate these utilities. First, then, we must consider whether this type of cardinal-preference knowledge is even epistemically possible. Second, if it is possible, we must consider whether such information is sufficiently accessible to render the utilitarian calculus workably determinate.

We find out about other people’s preference-structures firstly by looking to our own. We realise that we are the sorts of entities that have preferences and have them to greater and lesser degrees about all sorts of different things. We also note a link between our preferences and our behaviour, in terms not only of our goal-directed action but also in the way our preferences colour our communications and are expressed and occasionally betrayed in our movements and demeanour. Of course, we also note that other factors besides our preferences create behaviour, including our instincts, habits,
subconscious motivations and states of mind (e.g. drunkenness/sleepiness). Similarly, we note that our preferences only create behaviour when conjoined with our beliefs.

These types of realisations are crucial for the next step in the epistemic chain – analogy. We realise that, seeing as other people have the same causal underpinnings as we do (having human brains), we are entitled to hypothesize similar causes to their behaviour. Thus we suppose that they have minds and that they are capable of \emph{inter alia} understanding and desire. Concomitantly, we note similarities between their behaviour and ours, and consider whether we may be justified in supposing that a viable explanation of their behaviour is that they are related to some object in the same way we are related to some other object. We explain their behaviour by saying that they have a whim, a love, an ambition or an obsession in just those situations where our similar behaviour would be motivated by whim, love, ambition or obsession. We impute preferences only insofar as it allows us to give an explanation of others’ behaviour and to predict their future behaviour. The ability to make predictions gives our hypotheses the justificatory potential due normal empirical hypotheses; these hypotheses allow predictions and can be falsified in the normal sense. Naturally, sometimes we will use the same process of analogy to ourselves in order to impute different (i.e. non-preference-driven) causes to their behaviour – for instance that they behaved in a particular way because of their drunkenness or habit.

On this account we do not need to have significant preferences in common with others in order to glean information on their preferences. Rather, the similarity we must have with them – the similarity that is required to justify this particular application of ‘analogy to ourselves’ – is that their behaviour is linked to, and is caused by, their
preferences in much the same way that our behaviour is linked to, and caused by, our preferences. Of course, our initial speculations about the substantive preferences undergirding their behaviour will presumably be made on the basis of those substantive preferences we think are most likely, which will naturally be informed by our own desires, hopes and dreams. However, hasty imputation of preferences formed by such prior prejudices will, if erroneous, result in incorrect predictions of future behaviour and such hypotheses may be falsified, and subsequently revised, accordingly.

Once we have basic preference-information in tow, other heuristic avenues open up. We use induction to form hypotheses about the preference-structures of people we have never met. If we think that preference P is likely to be highly ranked by all people, then we might immediately hypothesize that a person willing to sacrifice P for Q is likely to rank Q highly. Communication will also become a potentially rich source of information on preferences, though in different contexts we will justifiably place varying degrees of credence in personal testimony.

Radical scepticism aside, it seems unlikely that this level of information about other’s preferences should be contentious. For the bare fact that all humans, in their most quotidian activities, such as organising a doctor’s appointment or getting a pizza delivered, make multitudinous correct predictive (and often counterfactual-supporting) claims about the behaviour of many other individuals, a significant proportion of whom they have never even met before, requires explanation. An obvious explanans of these innumerable mundane correct behaviour-predictions is that humans are capable of making more or less accurate imputations of the underlying causes of such behaviour (viz. other’s preferences and beliefs).
These various methods allow us to form hypotheses about the preference-structures of people both known and unknown. In some cases (such as in a totalitarian regime), circumstances will allow for precious little free-action or free-speech, and in these situations the amount of data available for imputing preferences will be severely restricted. Indeed, all our imputations of preferences in even the most ideal situations will be under-determined by the behavioural data used as evidence for them. But this is the case with all empirical hypotheses, and we are entitled to use ordinary epistemic virtues to make inferences to the best explanation and to attach degrees of credence to those explanations, just as in all other fields. The same is true as regards our hypotheses about the mutability of preferences. In some cases we may be justified in thinking that someone’s preferences may change as a result of capriciousness, maturation, external manipulation, cognitive dissonance or a ‘sour grapes’ mentality. If so, then this will affect our imputations about their probable future preference-structures, which will in turn affect our predictions about their future behaviour and our strategies to fulfil their preferences.

The question of whether these hypothesized preference-structures are intersubjectively commensurable is a subtle one, and I cannot pretend to be offering a definitive solution in what follows. However, I do wish to say enough to draw out what I take to be the fundamental link between any imputations of preferences and the implicit but necessary assumptions of commensurability. I am not the first person to think that the consternation over how to get from an identification of preferences to an intersubjectively comparable account arises from putting the cart firmly in front of the
horse. As Griffin neatly puts it; ‘the answer to, “How do we get to public, intersubjective data?” may be, That’s where we start.’ 46

Let’s return to the above account of how we come to the conclusion that other people have particular preferences. We primarily do so in order to explicate some feature of their behaviour, using analogy to ourselves as a taproot hypothesis. We isolate what we consider is a relevant similarity between their behaviour and ours – perhaps a similarity in the way they work at some project or react expressively to some event. Such behaviour calls to mind the way we similarly work or react. We realise that this other person’s behaviour may be explicable if it happened that they were in the same relation to X as we were to Y. So we suppose that, just as we have a preference for Y, so too they have an analogous preference for X. But note what has happened here – we do not find out the other person’s preference and then try to commensurate it with our own – rather, we assume commensurability in order to posit their preference (both substance and intensity) in the first place.

I am not arguing that interpersonal comparisons are made, ‘on the basis of the same sort of evidence we use for attributions of mental states generally.’47 I am arguing that interpersonal comparisons – the role commensurability plays in the requisite analogousness – are that basis. We are only entitled to impute preferences when to do so aids in explanatory power. Imputations of preference can only aid in explanatory power if such preferences are placed within overall theories about how preferences work within human beings and, in particular, how quantifiable strengths of preferences dictate the way they inter-relate to each other and can thence be responsible for goal-directed and expressive behaviour. Our most basic evidence about such preference inter-relations and
their links to behaviour comes from introspection. If we assume that such inter-relations between preferences and links to behaviour are the same for others as they are for us then we are entitled to impute particular preferences as an explanation of behaviour. But to make this assumption of sameness-of-relation— if we accept that the relation is in each case quantifiable – is *ipso facto* to presume commensurability; it means simply that all preference-strengths are being imputed upon the same scale. The assumption can be rejected, but then all aetiological significance and explanatory power dissolve, and no preferences can be justifiably attributed at all.

Once we have similarly scaled (i.e. commensurable) estimates of others’ preference-structures we can estimate utilities by observing states-of-the-world to see how far these preferences are met. There is no additional subjective evaluation required at this point. Utilities are derived from an essentially mechanical process of mapping preferences onto world states. On this account, utilities are commensurable because preferences are.

Myriad objections arise to this account of commensurability – I will deal with just one. Though it may be accepted that we require significant analogousness to impute preferences, nevertheless, this ‘structuralist objection’ suggests, we are not quite to the point of requiring commensurability. All we need to assume is that some preference’s position within someone else’s overall preference-structure is homologous to some similarly ranked preference within my overall structure. A ‘strong’ preference merely means that a preference resides as ‘high-up’, relatively speaking, in your cardinal rankings as a ‘strong’ preference resides in mine. We do not have to make the additional assumption (which would justify commensurability) that what counts as a strong
preference in your system has the same felt-intensity/motivational force as a strong preference in my system.

For parsimony, let’s grant that this structuralist objection does show that we do not need to make the final step to commensurability in order to justify predictions and give explanations of behaviour. But if we do have any reason to make such commensurations then the way they should be done, given the analogousness so far utilised, is pretty clear.\textsuperscript{49} To posit dissimilar scalings of preferences arising from similar causes (i.e. similar psychologies/neurophysiologies) and producing similar behaviour is ontologically profligate, and the onus of proof is on anyone who wishes to incorporate some dissimilarity to show that it is not an \textit{ad hoc} inclusion.\textsuperscript{50} The gratuitousness of such an addition is particularly evident when we consider the myriad other fully commensurable attributions we justifiably and routinely make about mental life (such as estimates of intelligence, sleepiness or angriness\textsuperscript{51}) – none of which are subject to this ‘structuralist’ objection.

To sum up; without assumptions about analogousness we are not entitled to impute any preferences at all, nor able to make any real-world predictions about behaviour on the basis of preferences. It is possible to argue that this analogousness need not require full-blown commensurability, but the required analogies drawn between causes and effects of preferences – and mental life in general – are enough to place the burden of proof firmly on someone who wishes to deny that preferences are scaled uni-dimensionally.

This foregoing account contends that preference and utility knowledge are not epistemologically verboten, and that examination of individuals’ choices and behaviour
can lead to the formation of justifiable hypotheses on these matters. The question which
now confronts us is whether the knowledge derived in this manner will be sufficient for
fulfilling the demands of the three Requisite Claims. Can we claim, for instance, that
individuals from liberal societies are on average at least as well off (in terms of fulfilled
preferences) as people in other societies, that some consequences of our actions
negligibly impact on other’s lives, and that in the face of abject need, it is worth the
problems inherent in taxation to provide succour?

While the foregoing analysis may serve to bolster intuitions we may have about
the answers to these questions, it will not serve to persuade those who are justifiably
suspect of any such intuitions (or indeed, who do not have them). While it is sometimes
possible to sketch how an epistemic problem could potentially be solved, it is difficult to
demonstrate that a particular heuristic method is or is not sufficient for a given end.

With this difficulty in mind, I now wish to enquire into the epistemological
requirements of political systems in general as a way of resolving the issue – or at least of
shifting the burden of philosophical justification. If it can be shown that almost all
polities necessitate making the same sorts of knowledge-claims as those involved in the
Requisite Claims then I will consider that the onus of argument is placed on those
sceptics who are advancing a particular political system to demonstrate how they
consider their own regimes to have access to the required information, while providing
evidence that this information, and its means of acquisition, is insufficient for the
utilitarian task.

Any non-anarchic political system must presume that its dictates (howsoever
minimal) can be implemented. For the remainder of this section I will therefore focus on
the knowledge necessary for implementation of overall polities, using deontic liberalism as a touchstone. I use deontic liberalism for two reasons. Firstly, it is this system which is typically being propounded by critics sceptical of utilitarianism’s epistemic requirements. Secondly, of all non-anarchic systems deontic liberalism’s epistemic requirements seem *prima facie* comparatively minimal. By comparison, telic liberalism (where, broadly speaking, policies are aimed at creating states-of-affairs which maximise the autonomy of their citizenry) has considerably more onerous epistemic requirements for the formulation and implementation of policy, precisely because of this feature it shares with utilitarianism – the obligation to create states-of-affairs which maximise some moral desideratum.

While I will focus on the implementation of policies, it must be emphasized that most polities, including all forms of liberalism, have further preference/utility knowledge requirements outside of those necessary for implementation alone. For instance, deontic liberalism makes considerable use of centralised judgements of whether citizens have consented to various personal and political activities, (say, whether some person consented to a particular sexual encounter) where such consent is simply a species of preference-knowledge.

Implementation is clearly a problem for the utilitarian legislator, for she cannot simply, ‘implement policy P’, but must create a state-of-affairs wherein policy P inheres. Implementation requires the ability of the legislator to manipulate the citizenry in general ways, and to manipulate the bureaucracy in very specific ways. This is typically achieved – insofar as it is achieved at all – through manipulation of their utilities, by rewarding or penalising them in different ways, by resolving the thorny difficulties
involved in policing the police, and by appealing to or relying on their honesty or public-spiritedness. This in turn relies on the ability to know the preferences and even utilities of such individuals and make predictions about their responses to policies.

But just as the utilitarian legislator cannot simply have the government ‘implement policy P’ but must entrust the policy to her bureaucrats, neither can a deontic legislator simply have the government ‘follow rule P’, but must create a state of affairs whereby the bureaucracy behaves such that the government follows a rule or protects a liberty. In other words, the deontic legislator wishes to enact policy that will maximise the rule-following or rights-protecting behaviour of its bureaucracy (and, perhaps, its citizenry). To do so the legislator must create, evaluate and predict responses to various policies based on what it knows about the preference-structures and utilities of relevant parties. Without such data the polity has no more than nominal impact, and preference/utility scepticism becomes an argument against government simpliciter.

But if the preference-structure and utility knowledge requisite for the implementation of policies, and for the prediction and manipulation of bureaucrats and citizenry is achievable, then it seems that in many cases the Three Requisite Claims necessary for utilitarian liberalism must also be possible. To see this more formally, note the closeness of the epistemological claims required to predict or manipulate an agent on the basis of their preferences, and those required in order to make utilitarian claims about what would be best for them (such as involved in The Compromising Claim). To predict that agent A will undertake action X on the basis of preference P in situation S is to say P will be fulfilled to some extent by X and that P is a preference that is known to be motivating to the relevant extent and all other different preferences are so constituted as
to not definitively militate against P in S. To say that the utility of A in S will increase by some action (of mine or someone else) X on the basis of their preference P is to say that P will be fulfilled to some extent by X and that all other different preferences of A are so constituted as to not definitively outweigh P in S. In other words, to the extent that one can make predictions about others, one is typically able to make utility-claims about them (though it does not follow we have the wherewithal to act on such claims, of course). Naturally, just as highly sophisticated, far-off and convoluted predictions about behaviour are speculative, so too for these types of welfare claims. But in some cases extraordinarily nuanced predictions of individuals are possible, and coarse-grained predictions about large-scale responses to policy are also possible. Again, the same follows for welfare.

This argument is not intended to show that the epistemological demands of all types of political arrangements are equal. The deontic legislator only requires preference and utility information in order to predict and manipulate, whereas the utilitarian also requires such information in order to form overall policy directives. The point is simply that the deontic liberal theorist must give some account of how this knowledge is to be collected, assimilated and verified – presumably appealing to micro-, macro-, or large-scale socio-political observations – and then show clearly why this fact-finding methodology will not suffice for the utilitarian’s further requirements. Moreover, recalling from §1 the distinction between ‘right’ and ‘rational’ action, in excogitating the utilitarian’s requirements we must be careful not to slide from the arguably correct claim that the utilitarian has an infinite thirst for more information, to the erroneous belief that the utilitarian has a *requirement* of infinite knowledge. Depending upon the degree of
data-agreement, acquired knowledge may very quickly justify movement from our toolbox of social science mechanisms to the utilitarian recommendation of broad political trajectories.

There is also one way in which the utilitarian legislator may find herself on firmer epistemic ground than her non-utilitarian counterpart. While both polities require data on preference-structures, the utilitarian legislator may be comparatively better-placed to collect the data she requires. It is well-known that merely because data on some group of people’s preferences will be used by a centralised agency to inform policy aimed at furthering their aggregated preferences, it does not follow that any individual in the group will be motivated to provide accurate preference-data. Numerous cases arise where an agent can gain by strategically misrepresenting their preferences. However, this verity of social science should not obscure the loose but nevertheless important correlation between the desire of the individual giving the data (to have their preferences paid at least their due consideration) and the mandate of the utilitarian institution receiving it (to pay their preferences due consideration). Contrariwise, for polities that are not motivated to produce the maximum fulfilment of the citizen’s preferences, there is considerably less correlation. As we saw above, non-utilitarian legislators require preference knowledge for the successful prediction and manipulation of their citizenry and bureaucracy. It is a wide open question whether or not any particular person stands to gain from supplying information pertinent to their own subsequent prediction and manipulation. In non-utilitarian polities therefore, preference-knowledge may be harder to come by, for the correlation between the goals of the individual and the mandate of the centralised institution has been significantly diminished. This may mean that in such arrangements
even very loose claims (e.g. ‘that most of the time most citizens will not be advantaged by radical misrepresentation of their preferences’) cannot be substantiated.

CONCLUSION

I have argued that the sceptical case against the utilitarian has not been made. I ceded that in addition to the rough and ready claims of social science, the utilitarian does need to access reliable information about people’s preference-structures and utilities. However, I adduced two arguments contending this information was within reach. First, I put forward a conceptual ‘how-possibly’ account of the availability of such information, drawing on the lynch-pin of analogy-with-oneself. Second, in the manner of the *tu quoque* demand for consistency commonly brought to bear against selectively-deployed scepticism, I argued that the deontic liberal also requires this type of information. To make the sceptical argument persuasive the deontic liberal must show through what methods the knowledge-claims requisite for their own political recommendations are possible, and to then demonstrate why the epistemic threshold occurs before the utilitarian has sufficient information to fulfil the Requisite Claims. While I have phrased this last point in terms of illustrating a level of equivalence between the epistemic requirements of utilitarian liberalism and other polities, a similar argument could be drawn for equivalence between the informational requirements of utilitarian liberalism and the requirements of personal goal-directed action as ordinarily conceived, with its clear requirements of preference-knowledge for, *inter alia*, the prediction and manipulation of other persons.

My project has its limitations. Most significantly, I have only argued that we have reason to believe information may be available to justify the utilitarian in making the
Requisite Claims, and so can be in a position to recommend some polity or other to a specified populace. The argument establishes that empirical facts are available that may well decide the issue. However, I have not tabled any empirical facts that suggest that answers to the Requisite Claims would militate towards liberalism in particular. Perusal of the postulates is enough to suggest that liberalism will be one of the polities that the utilitarian will be very interested in, but it remains open to empirical data whether the Requisite Claims actually reject or accept this polity in the case of any given group of people in their particular circumstances.

That said, it is my deep suspicion – and what follows here is little more than hand-waving – that it takes very little fine-grained empirical data to justify the utilitarian in deciding that liberalism is likely to be the best strategy in the vast majority of contexts. On all levels, the micro-, macro- and large-scale, there is good reason to assert the clear ascendancy of the liberal polity over significant periods of time and diverse milieus.

On the micro-level, it might be noted that once civil rights and a free-market are established, a wide variety of preferences that can be fulfilled by unilateral action and bilateral exchange are potentially able to be compossibly fulfilled. Civil rights and the free-market are tools that allow the fulfilment of a large, varied, changing multitude of preferences, including many we may not even have imagined. But this is not the case with public goods; each specific public good to be instantiated requires specific legislation enacted for that particular public good – legislation that does not ordinarily aid in the provision of other public goods. This specificity makes such legislation potentially much more reliant on correct and fine-grained preference-information, and also much more rigid and inflexible. Unless we have evidence that there is powerful conformity of
specific preferences across populations over lengthy periods of time it becomes increasingly likely that the devolving of decisions to individuals allowed by liberalism will more expeditiously cater for the fulfilment of people’s diverse and dynamic preferences.

On the macro-level, the ability of liberal polities to provide significant levels of each of the proffered ‘primary goods’ becomes important – empirical evidence does not imply that one or two primary goods are lexically preferable to the others, which would be required for the utilitarian recommendation of certain other political arrangements. On this level too the value of free-speech becomes evident – the greater the allowed liberty of action and speech, the more preference-data becomes available to the utilitarian legislator. I have just noted the problems with the specificity and rigidity of public-goods legislation and institutions. If these institutions are not being continuously informed by reliable knowledge of people’s preferences (as evinced through free-speech, market-choices, or democratic mechanisms), then there arises the grave danger of – if not outright corruption and distortion – the ossification or, even worse, an unwanted and unnoticeable drift in the effects of such entrenched institutions. The productivity of the free-market system is also important here; both in generally improving prosperity and also in allowing, through the mechanism of taxation, comparatively large amounts of resource to be redistributed in various ways. We might also note that the strength of egalitarian gains occurs most stridently when people are in the most destitute and dependent states. If either the free-market, or state education and training, or direct welfare, can keep people out of these lowest states, then we might incline towards the conclusion that – beyond this – egalitarian redistributions rapidly lose their attractiveness.
On the overall level a wide swath of data becomes apposite: a lack of famines and civil wars, greater stability and transparency of governments, the availability of welfare for the poor and of public education systems, generally higher living standards, greater social mobility, greater opportunities for women and minority groups, the tendency for people outside of liberal societies to wish to emigrate to them, and not vice versa, and so forth. Once this sort of data is accepted as admissible evidence about utilities and preference-structures – and such has been the thrust of this paper – then I suggest that the utilitarian recommendation of liberalism will be swift and decisive.
Appendix One: The egalitarian postulate.

The egalitarian postulate: humans fill their preferences by applying resource with diminishing marginal returns. If we know nothing further about which particular agents have the more (or less) efficient resource-to-utility conversion functions, then a totally egalitarian distribution must be the rational choice – i.e. the option which will maximise expected utility.

The egalitarian postulate is just one of the myriad ways in which the notion of Diminishing Marginal Returns (DMR) infects utilitarian concerns about distribution. On the broadest rendering, the distributive concerns of the utilitarian are essentially those articulated by, for example, Peter Singer in his arguments for aid for Developing Countries.\textsuperscript{55} The egalitarian postulate is merely one way of expressing a very particular application of these general concerns. As noted earlier, however, the postulate is by no means the \textit{typical} way of rendering these concerns, and differs most pointedly in its application even in situations where two individuals’ resource-to-utility conversion functions may be radically different (subject to their both obeying DMR).

The above formulation of the egalitarian postulate has one particular feature relevant to my agenda; the postulate works without any claims about which individual has which type of resource-to-utility conversion function – indeed, it must be forthrightly emphasized, this postulate \textit{relies} on such ignorance in order to be applicable (see illustration below). The reason this feature is germane is because it is occasionally claimed that arguments for welfarism rely on more knowledge than is possible, and that in the putative situations of extreme ignorance that agents, legislators and centralised institutions actually face, utilitarianism will – because of this general lack of information
– imply liberalism. The quite specific point of this rendering of the egalitarian postulate is to show that utilitarian arguments can be given for egalitarianism even in situations of massively attenuated knowledge.

To illustrate the egalitarian postulate, let’s consider its use in the simplest case. Suppose we have two agents, δ and φ. Suppose (as per the stipulations in the egalitarian postulate) that we have no individuating data which makes us believe that one of them is more liable to have a particular type of resource-to-utility conversion function than the other. But given our access to general social science tenets we might have a general belief about any given agent that they have a (say) p probability (0 ≤ p ≤ 1) of having function A and a (1-p) probability of having some other function B. These functions A and B may be radically different in many ways, but they both obey DMR. This is just to say that with each additional quanta of invested resource to any A- or B-type person, we can expect a lower return (of utility-increase) than we procured with the last quanta invested with that person, or more formally that for any function Q which obeys DMR, \( Q(n+1) - Q(n) > Q(n+2) - Q(n+1) \). Suppose further that agent δ has \( n+1 \) and agent φ has just \( n \). The egalitarian postulate claims that, for any p, A, and B, it will maximise expected utility (E.U.) to invest the next dollar with φ and not δ. Is this true?

Because of our lack of individuating data, we find that the function we apply to our expected utility calculations for both δ and φ is the same; that is, E.U. = pA + (1-p)B. Call this ubiquitous function ‘Z’. Given that functions A and B both obey DMR, this function Z must also obey DMR. Now it merely remains to be seen that that the expected utility of the egalitarian arrangement is higher than the expected utility of the unegalitarian arrangement, i.e. that \( 2Z(n+1) > Z(n) + Z(n+2) \)
But we know that $Z(n+1) - Z(n) > Z(n+2) - Z(n+1)$ – because this is just what is required by $Z$ obeying DMR (as per above stipulations). The simple addition of $Z(n+1) + Z(n)$ to both sides yields the desired equation.

The above holds true across the obvious variations – an increase in population, and any additional numbers of candidate resource-to-utility conversion functions, with any given probabilities (assuming they sum to 1). Note once again that the important condition is that the legislator does not have individuating information about the citizens. It is worth observing however, that even when the legislator does have individuating information about one group within a population (e.g. everyone within this population-subgroup is comparatively more like to have A-type functions), the egalitarian postulate will still hold within that subgroup.$^{56}$

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3 This is obviously both an important and contentious assumption. Doing any sort of justice to a discussion of it, however, would take me too far from my course.

4 M.D. Resnik, Choices: An Introduction to Decision Theory (Minneapolis, 1987), p. 13

5 I am using – and will continue to use – the words ‘right’ and ‘rational’ in this artificial decision-theoretic sense because I wish to emphasize that complaints against the utilitarian for not getting it ‘right’ are as ineffectual as claims against an individual non-tuistic agent that their rational action did not turn out to be ‘right’. However, I am sacrificing clarity for consistency here – both ‘rational’ and ‘right’ obviously have other connotations.


8 Frank Jackson, ‘Decision-Theoretic Consequentialism and the Nearest and Dearest Objection’, Ethics 101, no. 3 (1991), 461-482.

9 That is, it is not possible unless one, as it were, artificially creates the probabilities, for instance by appeal to the Principle of Insufficient Reason. However, there are good reasons for wanting to avoid any such move. See Resnik, Choices. p. 37.

10 The problems here are exactly those as confront individual (as distinct from social/utilitarian) decision theory. There is a burgeoning literature on the use of such utility intervals as are created by this vagueness. E.g. Prasanta S. Bandyopadhayay, "In Search of a Pointless Decision Principle" (paper presented at the PSA: Proceedings of the Biennial Meeting of the Philosophy of Science Association, 1994).

11 Robert E. Goodin, Utilitarianism as a Public Philosophy (New York, 1995). p. 21

12 The appeal to counterveiling considerations (or “balancing out”) is a useful device in utilitarian calculations – but it can be blithely overused. As noted in Robert E. Goodin, Political Theory and Public Policy (Chicago, 1982). p. 166.
Contrariwise, it is arguable that the most important effects of the free-market are its gestalt effects, for instance regarding the free-market’s effects on the motivation of citizens (such as outlined in the above
Free Market Postulate), or in the information contained within the pricing mechanism and the equilibrating tendencies that can spring from this information. L von Mises, ‘Economic Calculation in the Socialist Commonwealth’, *Socialist Economics*, ed. Alec Nove and D. M. Nuti (Middlesex, 1972), 75-91.


30 At various points Hardin acknowledges the need for further knowledge about utilities in order to distinguish which rights (individual or collective) should be upheld. Hardin, ‘The Utilitarian Logic of Liberalism’, pp. 56, 67-9.


32 See, broadly, Goodin, *Utilitarianism as a Public Philosophy*, p. 20/1. Goodin alludes to the need this avenue has of, at least, some ‘rough and ready’ knowledge of preferences and utilities.

33 Elster, *Nuts and Bolts*, p. 169/70.


35 Some of these points are argued in Goodin, *Political Theory and Public Policy*, Ch. 2.


37 I leave as an open question whether or not it would be correct to characterize Hayek, given his Humean roots, as a very indirect utilitarian attempting precisely such a justification. See John Gray, *Hayek: On Liberty*, 3rd ed. (London, 1998). p. 60. Hayek also offered powerful micro-level explanations of why the overall social praxis was likely to be beneficial – which make use of both the first and the third avenues as I have outlined them.

38 This overall methodology, beginning with our own introspected experience and progressing to others, on the basis of ‘the legitimate rules of experimental inquiry’ is essentially that offered in John Stuart Mill, *Examination of Sir William Hamilton's Moral Philosophy*, *Collected Works of John Stuart Mill* (Toronto, 1865), p. 190-2.


For a recent overview of testimony in general, see Alvin I. Goldman, *Knowledge in a Social World* (Oxford, 1999), Ch 4.


Relying on empirical data and ordinary epistemic virtues, I intend to give a conceptual/metaphysical account of how people’s preferences are quantified on the same uni-dimensional scale. In choosing this realist route (i.e. in assuming that commensurability – at least in the form germane to this issue – is discovered rather than invented) I beg some significant questions against functionalist, historicist, and/or post-modern accounts of how commensurability might occur. Fred D'agostino, *Incommensurability and Commensuration* (Hampshire, 2003), pp. 48-50. Note however, that even a strongly realist approach would not deny but rather augment his process of ‘COMMENSURATION’.


This need for commensuration may not be a moral reason. Interpersonal commensurability occurs in bargaining and threats. See, for instance, R. Duncan Luce and Howard Raiffa, *Games and Decisions* (London, 1957), p. 131.


Elster, *Nuts and Bolts*, p. 158.


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