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Human Needs and Political Judgment

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Introduction

> In general, the best way to judge men is by their interests; and the best method of persuading them is to make them see their own interest in what you propose.
>
> René-Louis de Voyer de Paulmy, marquis d'Argenson[11]

Judgment is central to politics and political theory. But it is also elusive. It requires and involves a wide range of skills, capacities, sentiments, values, and institutions. Some theorists respond to this elusive jumble of abilities, emotions, and forms of interaction by transcending them or abstracting from them. Instead they resort to reason alone. This is particularly true of contemporary liberal political thought and its dependence on the odd coupling of "rights" and "preferences".[2] Rights, it is supposed, have a natural association with individual utility via the notion of subjective "preferences" (or avowed human wants): a properly instituted and enforced objective rights structure guarantees human life and liberty, and provides equal freedom for all with regard to their preferences and choices (Rawls 1996, pp. xli, xlviii). This is not only untrue (Geuss 2001, p. 148), but also detrimental to thinking about political judgment. In these terms a good political judgment becomes one that accords with a set of pre-determined, abstract rights. This jettisons understanding the various reasons or motivations for actions (rational or irrational) in favor of prescription: political judgment conceived in terms of maxims or principles for action, with rights acting as the universal criteria for judgment.

Other theorists, on the other hand, think that it is impossible to give, once and for all, a single, or single set of, criteria for political judgment. This is because political judgment is always, everywhere contextual, prospective and often takes place within a nonrecurrent situation. Judgment about how to get from "here and now" to a desirable "future there" is likely to involve consideration of objective human goods, but it is impossible

without knowledge about the here and now, the means to get "there" and a vision of what "there" could be like. Thus, it is more helpful, these theorists claim, to think about what kinds of political institutions will best enable this kind of judgment in context, that is, what conditions generate good political judgment.

In this chapter I join the latter camp. But I do so on my own terms: I reintroduce reason. I argue that, properly conceived, a political philosophy of needs generates a felicitous account of political judgment and how to perfect it. Not only does it focus attention on the determination and satisfaction of urgent human goods; it also captures, rather than ignores, the wide range of skills, sentiments, and institutions that constitute and affect judgment in politics. It is therefore a good candidate for thinking about what kinds of political institutions generate good political judgment. In particular, this is the case for four main reasons. First, it is realist. Second, it does not pre-determine the relevant facts, sentiments, and values in any particular situation of judgment. Third, it provides a conceptual language that highlights real motivations or *reasons* for action – existing emotions, desires, values – and links these to a framework for assessing human goods and institutions. Fourth, it supplies mechanisms for deliberation and persuasion between rulers and ruled. In this way, it provides the cognitive and institutional means for successful political judgment amongst rulers *and* ruled.

I begin the chapter by analyzing political judgment. I argue that political judgment is the ability to choose, in a particular collective context, how best to proceed; that is, it is the *experience, insight, vision,* and *timing* to choose, given one's knowledge of current opinions and interests, the best course of action to bring about or determine a desirable end, as well as the *rhetorical skill* to persuade others of the merit of one's judgment. This involves determining which salient facts, sentiments, opinions, values, models of reality and possible solutions to use in a certain context and then assess them for their usefulness. Successful political judgment therefore depends in part on rulers knowing as much as possible about the contextual needs, interests, and opinions of the ruled, and the ruled having access to a deliberative framework for the articulation and determination of these needs, interests, and opinions. In the subsequent three sections of the chapter, I depict how a politics of needs enables this. I begin by analyzing the normative and causal nature of needs. I then discuss the idea of true interests and the evaluation of institutions, and highlight the extent to which these processes depend on intersubjective judgment. Finally, I propose methods and institutions for the evaluation of needs, true interests, and institutions (including rights) that enable deliberation, persuasion, and good political judgment: district assemblies, a consiliar system, and a decennial constitutional plebiscite. I argue that these would provide citizens with the informational, participative, and deliberative means to determine their own needs

and true interests, influence the political judgments of their rulers, and also provide their rulers with the requirements for good political judgments. This is in part inspired by Argenson's little discussed argument for democracy before the advent of modern representative democracy and liberalism, stripped of his assumptions regarding monarchy.

Political Judgment

Humans cannot escape the need to judge. In a variety of contexts we often exercise our power of judgment. We make perceptual judgments ("this table is brown"), aesthetic judgments ("this painting is beautiful"), legal judgments ("this person is guilty"), moral judgments ("this is the right thing to do"), and political judgments ("this is the best policy") (Beiner 1983, p. 6; Kant 1996, 2000; Aristotle 2004).[3] Political judgment may be a species of the general capacity to judge (assuming this exists), or it may be a unique kind of judgment. For the purposes of this chapter, I do not need to resolve this much-debated question.[4] It is possible to begin with a much less contentious claim. Political judgment is an instance of practical reason, that is, the general human faculty of resolving, through reflection, what one is to do (Dunn 1980b; Wiggins 1998b; Aristotle 2004, 1991). Unlike moral or even legal judgment, in the case of political judgment, the context is normally collective: what "we" are to do; or "what is to be done" (Lenin 1969; Aristotle 2004, 1140b15). Moreover, the substance of the decision or choice is normally normative, contextual, and prospective: "what is to be done in order to get from this particular situation to a desired and valuable different situation in the future." Political judgments, therefore, involve the assessment of existing cognitive, moral, and institutional conditions in light of what is desirable and possible: they are concerned with how we ought to and could proceed. And the relevant "we" can be local, national, regional or global: Londoners, South Africans, Europeans or Humans.

Political judgment, then, is characterized by individual cognition within a collective context. It is possible to emphasize the former feature and think of it as a "mental faculty or activity," "the cognitive exercise of an individual human being" (Steinberger 1993, pp. vii, 83); or the latter and conceive of it as a "political, common activity...in which the multitude deliberates" (Barber 1988, pp. 199–200, 210). A unique focus on one or the other is likely to be misleading because political judgment involves and requires both. Aristotle and Cicero were the first to argue convincingly along these lines: they emphasize the skills, mental capacities, and experiences that are constitutive of political judgment and the institutions and practices that enable deliberation and persuasion. Aristotle links political judgment with deliberation and persuasion in the following way. He claims that political judgment or political wisdom is an instance of practical reason, or *phronēsis* (Aristotle 2004, 1141b23). Then, in opposition to Plato, he argues that

although practical reason is a distinct kind of activity to scientific or theoretical reason it still involves real knowledge: it is concerned with truth and the human good (Aristotle 2004, 1140b4–7).[5] And, as both he and Cicero stress, judgment regarding how to proceed in a collective context depends on the kind of political "truth" that can only be gleaned from the partial truths found in the opinions of citizens (Aristotle 1991; Cicero 2001, 2.8; Garsten 2006, pp. 145, 154–5). Not only do these opinions constitute instances of individual judgment regarding how a polity ought to proceed, they also provide some of the requisite knowledge of conditions that are necessary for good political judgment.

Aristotle and Cicero's approach to these questions effectively turns on its head modern assumptions, in particular the emphasis on reason, detachment, and impartiality for good judgment. Political judgment, for Aristotle, depended on deliberative rhetoric, as distinct from forensic and epideictic rhetoric.[6] He argued that citizens were better and more motivated judges of how to proceed when they were able to judge matters from their own partial perspective. This was because, first, their opinions and feelings about what would be good for them were relevant to the question before them and their experience and knowledge of the relevant context played an important role in whether or not they judged with skill. Second, the very partiality of and emotional basis for judgment is what motivated them to judge, persuade, and entertain other opinions and arguments (Aristotle, 1991, 1354a, 1377b–1378a; Nussbaum 1996; Striker 1996). Aristotle stressed, therefore, that a citizen's own good constituted the anchor or standard for political judgment; but he also made clear that this was not separate from the good of his polis and that of other citizens. The link between the two was based on citizens' *sympathetic* feelings for their friends' good and honor, as well as their strong *attachment* to their polis (Beiner 1983, pp. 102–28; Garsten 2006, p. 138). Cicero added to this the idea of *consilium*, or deliberative advice given by orators, where to be successful as an orator one had to be persuasive and give good counsel. This meant taking a long-term view of the public's *true* interests without disregarding public opinion, for alongside knowledge of history and philosophy, a correct grasp of the opinions and beliefs of the citizenry was vital both for knowledge of true interests and persuasion. To persuade the citizenry and provide good counsel, orators had to identify the standards against which the citizenry evaluated their current beliefs, and therefore had to respect the partial truths buried in the partisan political opinions on each side of a controversy (Cicero 2001, 1.141, 1.199, 2.128, 2.310, 3.104; Garsten 2006, pp. 168, 171). AQ1

Aristotle and Cicero therefore identify a set of cognitive *and* institutional mechanisms that are constitutive of political judgment. In particular, they argue that, although political judgment is (ultimately) subjective, it is based on intersubjective deliberation. This emphasis on deliberation, however, leads these thinkers to overemphasize the rule-bounded nature of political

judgment, that when we judge we do so within a pre-determined set of rules or ends.[7] This is true of some kinds of political judgment in certain contexts, but it is not the whole story.[8] Political judgment is also characterized by a set of qualities that are involved in precisely the opposite: breaking the boundaries, creating the goals, making decisions not simply about the means to pre-determined goals, but also about which goals are desirable and whether or not they are attainable. Politics, we are told, is the "art of the possible".[9] But it is also the art of persuading others that what seems impossible is in fact possible. Think of Nelson Mandela's "I am Prepared to Die" Rivonia Trial Speech (20 April 1964), and his subsequent "walk to freedom";[10] think of Martin Luther King's "I Have a Dream" Civil Rights Speech (28 August 1963); think too of Winston Churchill's "We Shall Fight on the Beaches" speech (4 June 1940), his rallying cry in the Commons at the darkest hour of the Second World War. Political judgment is a skill or ability that involves making contextual decisions about how to proceed, in a manner normally unbound by rules. In other words, it involves judging particular situations (and their possible consequences) without the benefit of universal rules or theories (Beiner, p. 6).[11] Theories, of course, can and do help. They provide analogies, models of reality, and useful means of abstracting from the crucial aspects of a situation. But, even when using a theory, you still need to decide which theory provides the best analogies or models, that is, you still need to choose which theory to use. "No further theory will help you avoid the need to judge" (Geuss 2008, p. 82). Political judgment is always, everywhere contextual and often takes place within a nonrecurrent situation. It cannot, therefore, be reliably codified. There is no universal definition or Euclidean geometry of political judgment. It does not come automatically with the mastery of certain theories.

This makes political judgment difficult to pin down. Yet, as has been argued in a variety of contexts, it seems at least plausible to claim that it is characterized by the following skills, capacities or faculties, conditions, and forms of interaction. (1) Political judgment requires *insight and experience*: the contextual ability to determine salient facts, opinions, values, and possible solutions, that is, to choose skillfully which models of reality to use in a certain context and then assess them for their usefulness (Steinberger 1993; Aristotle 2004; Geuss 2008). (2) It calls for *vision*, that is, the ability to innovate and imagine beyond existing conceptual, moral, and institutional boundaries (Weber 1994; Wolin 2004; Geuss 2008). (3) It demands *rhetorical skill*, or the ability to persuade others that one's judgment is sound, which is normally based on one's "character" (Aristotle 1988), charisma (Weber 1994), rhetorical ability, and training and an accurate knowledge of the beliefs and sentiments of one's audience (Aristotle 1991; Cicero 1997, 2001). (4) It depends on *deliberation*. In other words, it depends on a set of mechanisms and institutions that provide a means of identifying facts, sentiments, and values through the determination of opinions, needs, and interests

(Aristotle 1988, 1991, 2004; Cicero 1997, 2001). There are also two other oft-forgotten elements to the craft: (5) *timing* – the capacity to know when to act, to know what is realistically possible at what point in time, to be able to seize the right moment – that may never recur – that is, to grasp opportunities that will not present themselves again (Lenin 1972; Weber 1994; Geuss 2008); and (6) *responsible leadership* – to make a political judgment is to act, which will produce consequences and, given that a judgment's success or failure will rest on its consequences, the person making the judgment will be judged according to these consequences (Weber 1994).[12]

Political judgment, then, is a craft or skill that involves the experience, insight, vision, and timing to choose, given one's knowledge of current opinions and interests, the best course of action to bring about or determine a desirable end, as well as the rhetorical skill to persuade others of the merit of one's judgment. Good political judgment will therefore in part depend on the successful achievement of the intended goals, but also on the desirability of the goals themselves.[13] In other words, to get from "here and now" to a desirable future position requires a very good knowledge of the "here and now," including the opinions, beliefs, and interest of others, the desirability of possible "futures," and the means of achieving these "futures." It follows from this that political judgment is exercised best when it uses theories or philosophies that are *realist*. In other words, it is more likely to be successful if it employs theories or philosophies that start from and are concerned in the first instance with "the way the social, economic, political, etc. institutions actually operate in some society at some given time, and what really does move human beings to act in those contexts" (Geuss 2008, p. 8). This is because a realist theory emphasizes real motivations and their determinants: it is not concerned in the first instance with how people ought ideally (or "rationally") to act, what they ought to desire, or the kind of people they ought to be; it aims to give a correct account of the "way the world is" (Dunn 1980a; Wiggins 1998a; Hamilton 2003; Emmerich 2008; Geuss 2008). It focuses on those cognitive and institutional conditions, and those ideals, aspirations, and sentiments that do in fact influence behaviour in some way.[14] Not only will this enable good political judgment, but its emphasis on the real determinants of behavior will foster effective persuasion: if a citizen or ruler has a correct understanding of people's beliefs, desires, and opinions, she can use this understanding to persuade others that what she envisages regarding "how to proceed" is in her interest.

Political judgment therefore involves a mix of reason(s), insight, timing, opinion and deliberative rhetoric or eloquence.[15] It will be exercised successfully under conditions in which the prevailing conceptual language is one that generates understanding and use of real motivations for action – existing sentiments, desires, values – and that links these to a framework for assessing human goods. Given the changing and intersubjective nature of opinions, interests and values, judgment is most likely to be successful under

conditions that provide mechanisms for deliberation and persuasion between rulers and ruled. As a consequence of these facts about opinions, interests and value and the fact that political judgment is a contextual skill requiring knowledge of the opinions, interests and values relevant to the context concerned, it is arguably the case that it is undertaken best under conditions in which human goods – needs, interests, etc. – are not pre-determined.

Contemporary liberal politics, or what I call "rights-based liberalism," produces quite the opposite effect. It both undermines the possibility for good political judgment and reduces the significance of judgment in politics. It fails to provide mechanisms for deliberation and persuasion between rulers and ruled because it falsely associates deliberative rhetoric and political judgment with demagoguery and manipulation, and therefore entrenches safeguards against rhetoric, persuasion, and judgment in context. This is achieved via the concept of rights, constitutional pre-commitment, and the priority of forensic rhetoric and legal judgment. This encourages individual subjects to invoke legal rights and prioritize their juridic agency over their political agency; it desiccates public talk of human goods; and it relies on an unrealistic ideology of consensus. In other words, rights-based liberalism determines (in the form of rights) citizens' needs and interests antecedent to any contextual knowledge of and controversy over the relevant material and moral facts and sentiments.[16] It thereby ignores real motivations for human action and choice and their causal connections with human goods and institutions. The practical wisdom of the rulers *and* the ruled is thus impoverished.

I have defended these claims about rights-based liberalism elsewhere, arguing there that the ills of contemporary politics are a consequence of and continue to be reinforced by the main traditions within liberal political philosophy (Hamilton 2003, 2006a). In the rest of this chapter, therefore, I will focus on the positive contributions of an alternative political philosophy based on human needs, which affords a means of debating means *and* ends within an overarching ethical framework and with particular reference to real motivations for actions. This enables deliberation, persuasion, and good political judgment.

Human needs

Human needs are the necessary conditions and aspirations of full human functioning. They are manifested in three forms. First, there exist *vital needs*, the necessary conditions for *vita*, or life, which include water, shelter, adequate nutrition, and social entertainment. The lack of satisfaction of these needs tends to impair healthy human functioning (Braybrooke 1987; Hamilton 2003, pp. 23; 27–31). Second, there are *agency needs*, the necessary conditions, and aspirations for individual and political agency that are characteristic of full human functioning, which include autonomy (or freedom), recognition, and active and creative expression. Developed and satisfied

agency needs increase an agent's causal power to carry out intended actions, and satisfy and evaluate other needs; and they provide the feelings of safety, self-esteem, and confidence that enable individuals to function fully, individually, and politically (*cf* Doyal and Gough 1991; Hamilton, 2003, pp. 24; 35–47;). Third, needs are normally felt not as abstract vital and agency needs, but as particular motivations for actions (drives or goals), for example, the desire to drink some apple juice or the felt need to work. Manifested in this concrete form, these are what I call *particular social needs*, which include a broad spectrum of largely uncontested needs, from those that are the focus of public policy, say the need for an efficient train service, to those that are seen to be of private concern, for example, the need for a car, as discussed below (Hamilton 2003, pp. 23–4, 31–5, 63–102).

Particular social needs are the most common form of needs and their normal usage seems to inspire modern analytical philosophy to treat "need" as a verb and confine it to the logical or analytical form of "*A* needs *X* in order to *Y*." This is an instrumental understanding of needs that conceives of them as means to other acts, or states of being or becoming. All need statements, it maintains, are triadic. This distinguishes needs from other drives and highlights one aspect of their normativity. Need-claims demand justification: when we say we need *X*, the force of the claim rests on the fact that what *X* is needed for is justifiable. The need-claim is evaluated in the light of this, thus making *Y* the crucial normative variable (Connolly 1983, p. 62; Thomson 1987). For example, my claim that "I need a house" cannot be evaluated until we know why I need a house. "I need a house in order to shelter myself" is a distinct kind of claim to "I need a house in the country for weekend trips." The former holds greater normative weight because it makes reference to an objective, vital human need for shelter.

The instrumental and triadic understanding of needs may be correct and helpful with regard to some needs, but it does not cover all needs and need-claims. Some needs, particularly vital and agency needs, are ends themselves. Nothing lies beyond them. They cannot be justified by reference to any other need or normative claim. And, as a consequence of the fact that these kinds of needs are themselves ends or goals or states of being or becoming, they are not normally expressed in the triadic form characteristic of instrumental needs. They are understood and articulated in dyadic form: "I need to be mobile"; "I need to be free"; "I need to express myself." The fact that not all needs are instrumental needs provides the clue for the special role played by vital and agency needs: they are simultaneously needs and the normative basis for the evaluation of "particular social needs." In other words, depending on how they are felt and expressed, they provide both the phenomenological (in Hegel's sense) and the ethical substance of political judgments: they are instances of actually existing aspirations, desires, and conditions of lack, and they are understood within and expressed in terms of an existing set of norms and values.

These characteristics of needs explain common usage: we use the notion of need, often in contrast to want, to denote a degree of seriousness, priority, and objectivity. Needs are not simply strong wants. They are objective and normative (Thomson 1987; Wiggins 1998a;), and their state of development and satisfaction has a direct effect on human functioning (Hamilton 2003). In contrast, wants are subjectively felt desires or second order desires for a specific object or state of being, and normally they depend on actual conditions of the world. This is reinforced by the fact that, "wanting something does not entail needing it, and vice versa. [S]omeone may have a need without having a desire *for what he needs* and...and he may have a desire without having a need for what he wants" (Frankfurt 1998, p. 30). For example, someone can have a need for periodic exercise without ever desiring to exercise, and they may want to smoke cigarettes without needing to.

However, this clear analytical distinction between needs and wants rests on an oversimplification of the nature of needs that belies a more complicated causal reality. First, particular wants over time can become interpreted as needs. Think how easily the desire for refrigerators and televisions became a legitimate need for these commodities. Second, new satisfiers and commodities generate new wants that affect our ability to satisfy our needs. For example, the car produces not only the desire for a car and a need for more motorways, but also, given normal economic development, the need to shift investment from the upkeep of a public transport system to the construction of more motorways, which ensures that in order for me to satisfy my need for mobility I need a car. Third, the everyday satisfiers of felt particular needs are indistinguishable from the everyday satisfiers of wants. In fact under liberal capitalist conditions they are identical; they are all commodities that, irrespective of their relationship to vital and agency needs, are determined by the logic of profit to an equal degree. And, as a consequence, particular felt needs *and* wants, or at least their satisfiers (commodities) not only generate new wants and needs but also affect how we interpret and perceive our vital and agency needs. This causal process is obvious in my example of the way the car produces the need for a car and for more motorways, and so on. But, often, the causal sequence is less obvious and yet equally problematic. For example, a new video game might generate a new kind of addiction that creates a need for specially trained child therapists. These various elements of the causal relationship between needs and wants explain in part how and why some need-claims rest upon illegitimate needs – they may be wants masquerading as needs, or wants misperceived as needs.

True interests, institutions, and intersubjective judgment

The three forms of need and the causal relationship between needs and wants highlight the fact that human needs are not simply normative and

objective, but also historical, social, and political. In fact, it is probably more apt to think about them thus: (1) their objectivity is not universal – they are affected by wants and institutions and they change as human nature changes; and (2), as objective human goods and historically, socially, and politically determined feelings of desire, lack, and want, their normativity is historical and ethical (as well as natural and moral). Thus the normative force of any particular need-claim is best captured via an analysis of the history of the institutional environment within which particular social needs are generated.[17] It follows from this that, in determining whether or not an avowed need is justified, it will be insufficient simply to assess the need-claim in terms of what its analytic structure brings to the fore – the *Y* in the need-claim "*A* needs *X* in order to *Y*." It is necessary first to assess the provenance and history of the claim. That is, it is necessary to analyze the institutional history of the particular need to which the claim refers. This provides a picture of the causal determinants of the need: the institutions, practices, and sentiments that generated the need in question. The normative force of any particular need-claim, therefore, requires a contextual, historical analysis of existing institutions and how they determine the formation, interpretation, articulation, and satisfaction of needs. Not only does this provide an explanation of why the need is felt or avowed, but it also aids the process of evaluating that particular need and its associated institutions. To understand and thus assess the need-claim for a new motorway, for example, we first have to assess the need in terms of its relation to the felt-need for automobiles and a set of institutions and judgments that generated and justified that need (see Paterson 2007). It is then possible to assess the need and its associated complex of institutions and practices in terms of their effects on the satisfaction of vital needs, the development of agency needs and the perception of true interests.

An individual's true interest is epistemologically and ontologically based in her needs, as determined within a particular context at a specific time. A citizen's true interests are her context-specific set of needs or satisfiers thereof that have been determined, following intersubjective reflection on her vital and agency needs.[18] The determination of one's true interest requires intersubjective evaluation and is therefore enhanced by deliberation, but the individual concerned always has the final word. This requirement is only fulfilled under political and economic conditions that allow individuals the time and institutional means to undertake personal reflection and intersubjective evaluation of their needs. Thus the "truth" in "true interests" is not a metaphysical, final truth or atemporal end-state but rather what is attained with an increase in knowledge or change in condition that necessitates input from others and critical scrutiny based on vital and agency needs (Hamilton 2003, pp. 16–17, 88–102).

In judgments regarding need-claims, institutions, and true interests, it is vital to make use of two associated sources of information. The first is

subjective and requires a means of capturing citizens' own perceptions of what is in their true interest. The second is objective and involves the analysis and evaluation of the conditions in which citizens live (Sen 1993a, b). The latter will involve an analysis of institutions in terms of both their causal effects on the satisfaction of vital and agency needs and in terms of their effects on the citizen's perception of their true interest. This sort of information could be gleaned from an in-depth and frequent census and the two strictly participative mechanisms discussed in the AQ2 following section: district assemblies and decennial plebiscites.[19] These sorts of subjective and objective information would be transparently available to all to aid the process of determining one's true interests, something which, as will be argued, will be enhanced by the consiliar system. Judgments regarding true interests are, therefore, political judgments in two inter-related senses. First, they are the result of contextual, intersubjective process of evaluation involving all citizens as well as information about existing needs, conditions and values. Second, they are ultimately individual judgments made by individual citizens regarding their own true interests, determined using not only the relevant information but also their own experience, insight, vision and sense of responsibility.

Institutions, therefore, can be evaluated by analyzing the histories of particular need formations understood in terms of the institutions, practices and sentiments that generate and justify them and the effects that these have on the perception and satisfaction of needs and true interests. What, for example, are the effects of rights-based politics and commercial society on human sentiments and judgments – on our dispositions to act and judge? There is little doubt that these institutions affect our view of ourselves as agents and thus affect political participation and political judgment (Hont 2005; Sonenscher 2007; Emmerich 2008; Geuss 2008). This sort of moral and political psychology is no longer fashionable, but attached to a historical analysis of the institutions and needs that produce the relevant sentiments it might provide us with the sort of understanding necessary for good political judgment, especially as regards the regulation or transformation of economic and political institutions.[20]

So, despite the fact that the evaluation of needs and institutions is contextual, as with Aristotle and Cicero's account of deliberation, there is a standard around which the evaluation revolves. At a very general level we have the standards of vital and agency needs. But deliberation and evaluation are usually about more particular, concrete, felt-needs. So, the main standard concerns the subjective capacity to determine one's true interests, one condition of which is the satisfaction and correct development of vital and agency needs.[21]

However, it does not follow from the fact that needs and true interests are determined best via deliberation over their historical, institutional and

emotional determinants that consensus or agreement will follow. If anything, the opposite is the likely outcome. The determination and evaluation of needs as proposed here involves deliberation over means *and* ends. This, like politics in general, is a recipe for moral, material, and emotional disagreement. Moreover, it is a fact of desiring human subjects that it is difficult to part them from their cherished needs and institutions. It follows from this that the determination and evaluation of institutions and needs require a coercive authority capable of deciding persisting disagreement.

The State of Needs and Political Judgment

I call this coercive authority the "state of needs" (Hamilton 2003, pp. 134–70). The state of needs would retain most of the characteristics of the modern state, but would also need to acquire the ability to be the ultimate evaluator and guarantor for meeting needs. This is the case because it must produce and maintain conditions in which the state's citizens can effectively evaluate their needs and true interests, in other words, be part and parcel of the processes of political judgment within the polity; and, it must make sure it can meet the practical imperative for a single agent to use its authority to decide *when* to act upon the outcome of the evaluation of institutions and *what* action to take in the light of that outcome.[22]

A state of needs would be legitimate, therefore, if it produced and maintained conditions in which citizens could effectively evaluate their needs, institutions, and true interests *and* representatives can act on the outcome of these evaluations despite disagreement. In other words, this is not an ethical or normative justification of the state of needs. Rather, it is a functional justification: as things stand, the state is the unique entity with the means – the requisite coercive force – to execute the necessary transformation of institutions that may follow from any evaluation of needs, need trajectories and true interests. (If it turns out that this can be more efficiently achieved using other means – a community of anarcho-syndicalists à la Monty Python's *Holy Grail* or, the current "Holy Grail," a global cosmopolitan state – then so be it, I would have to desist from this kind of "statism." But the case for the implementation of either has yet to be convincingly made.)

In particular, the state would have to fulfill a fourfold function.

1. It would follow what I call a *vital need priority*; that is, it would ensure that the satisfaction of vital needs is a priority (Hamilton 2003, p. 148).
2. It would use a frequent, elaborate census and a consequentialist evaluation of institutions to: (a) improve the environment in which individual citizens evaluate their true interests; and (b) provide some of the objective data necessary for citizens to evaluate their true interests. The citizens themselves would provide and do the rest within the three institutions discussed in what follows.

3. It would institutionalize three mechanisms that would safeguard the participation, persuasive power, and political judgment of citizens: (a) an *annual true interest evaluation* within district assemblies; (b) a revitalized *consiliar system*; and (c) a *decennial plebiscite* over the constitution.

a) In the *annual true interest evaluation* individual citizens would evaluate and avow their needs and true interests at a local level within district assemblies. Rotating municipal representatives would then deliberate these interests within municipal assemblies.[23] These representatives would be chosen by lot, and must come from and reside within the municipality.[24] They would be responsible for the everyday governing of the municipality, and their aim as regards the annual true interest evaluation would be to reach a decision as to the exact nature of local true interests and thus enable municipal administrators and market-related institutions to respond to postevaluation needs and interests.

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b) The revitalized *consiliar system* would rest on the network of district assemblies. Each assembly would elect one counselor for a two-year term of office. Counselors would be responsible for giving counsel to a single national sovereign representative body made up of elected representatives on matters relating to the needs, interests, and institutions within their districts – that is, what institutional changes may be required to satisfy and develop vital and agency needs and improve the perception of true interests. The powers and responsibilities of *counselors* within this system would therefore be much greater than those of *councillors* within existing forms of local government. And, moreover, here their main role is weighted in favour of the citizenry – the counselor's job would be to persuade national government of the best course of action for furthering the interests of the citizens. Thus it is imperative to safeguard the independence of counselors from municipal and national representatives.[25]

In this sort of system it is also imperative to safeguard against the possibility that national representatives may be tempted to manipulate either the counselors or the needs of the citizens to their own advantage. This is in part assured by the fact that the counselors are elected locally and that their main persuasive function is directed towards the rulers (not the ruled). But this would need to be bolstered by the following measures: (1) counselors would have no formal affiliation with a political party; (2) counselors would have no access to either national or municipal office for a period of five years prior to and following their terms of office – a counselor could not be a municipal or national representative or *vice versa* within the same five year period; (3) a counselor could not be elected for two periods of two years consecutively; and (4) one of the few functions of the district assembly would be to periodically assess their counselor's skills and performance.

c) In the *decennial plebiscite*, citizens would assess the actual and possible paths or trajectories down which the development of needs could progress.

In contrast to the short-term and local concerns of true interest evaluation, the plebiscite would involve a protracted evaluation of broader policy matters and structural features of the polity and economy: a month-long assessment of existing and possible fiscal, environmental, transport, etc., policy and kinds of production, property ownership, and so on. In other words, it would assess the goals and institutions normally determined within a constitution, in this case a needs-based constitution. The outcomes of the plebiscite would then be used by the national representative body to reformulate the relevant sections of the state's constitution.

Consultative referenda could be used to supplement all three mechanisms. And the outcomes of (a) – (c) would not affect the standing of the existing national government. National government would be representative in the same way as it is in contemporary representative democracy, but following the implementation of the above-proposed institutions, it would be assessed in terms of how well it fulfils its main functions, as discussed in this section.

4. Following each decennial plebiscite, the national representative body would also transform institutions that have been identified as acting against the satisfaction of postevaluation vital and agency needs and the perception of true interests.

Together, these institutions and functions would furnish citizens with the necessary means to reflect on their and others' needs and thus participate in the deliberation and collective choice (judgment) over how to proceed. They would provide citizens with participative power in the local-level evaluation of needs and interests *and* the legal framework that determines the parameters of representative democracy – the constitution. This is likely to generate a set of incentives towards increased political agency amongst citizens. First, once citizens notice that the plebiscite provides them with greater control over the long-term, over the nature of existing institutions, needs, and interests, they may begin to look beyond their short-term, particular interests and become aware of the power of their choices, actions, and judgments. Second, these changes may encourage citizens to take risks, to put forward novel proposals safe in the knowledge that they could be tested and then, if necessary, discarded at the next plebiscite. Third, these developments are likely to encourage consequentialist rather than deontological practical reasoning. Fourth, a long-term view of matters coupled with less risk aversion might encourage increased interest in and understanding of the effects of institutional arrangements on the generation and satisfaction of citizens' needs. Citizens might then become simultaneously more responsible (more interested in the needs of others and the consequences of their choices) and more courageous (more willing to experiment beyond the status quo) in their political judgments.

In other words, in contrast to rights-based liberalism, the application of this political philosophy of needs will generate real political agency.[26]

What of political agency? Given the size and complexity of modern states and their associated specialized division of labour, surely a representative system of government with checks and balances, efficient information flow and effective administration is sufficient for good political judgment? Even under these conditions there exists an imperative for enhanced citizen political agency and persuasive power. This imperative is not founded upon a moral philosophical argument regarding, say, autonomy, equality or even our obligation to meet the needs of others (although such arguments are welcome); rather, it rests upon an argument about the nature of political judgment and the set of procedural requirements for good political judgment. Even if rulers were to judge under conditions of objectively full information, efficient information flow, and effective administration, they would still have no access to the varied extant desires, feelings, reasons, aspirations, deliberations, and insights that constitute the judgment and opinions of the ruled and are necessary for good political judgment. Knowledge of these sentiments, interests, deliberations, and insights enable *all* citizens (a) to engage with distinct partisan political interests and opinions; and (b) to see beyond these interests and identify more general, common needs, and interests. In other words, it is vital for the process of reaching a point at which rulers and ruled both identify, and identify with, the same set of interests.[27] Good political judgment does not rest on reason and objective fact alone, but also on opinions, reasons, insight, and deliberation. The political philosophy of needs defended here sources all of these ingredients.

Reason is found, first, in the fact that vital and agency needs constitute a *general* ethics, a set of human goods to which all good judgments would aim. Second, reason plays its part in the collection and analysis of objective facts: the census and the district evaluation of needs and true interests provide the objective, scientific information necessary for informed judgments. Third, the imperative to meet felt-needs provides the motivation for participation, deliberation, and judgment: felt-needs are associated with strong feelings and emotions regarding action – what is *and* ought to be the case in terms of what is required for normal human functioning (often linked to lack and harm) and thus what must *and* ought to be resolved or satisfied – and they thus provide passionate *reasons* for acting. In other, words, to paraphrase Aristotle, needs constitute the standard and the motivation for deliberation and judgment.

Insight and *timing* are provided by the judgers own natural skills and abilities as well as two other outcomes of a discourse of needs. First, as I have argued, needs are both means and ends. A knowledge of this coupled with a knowledge of how needs are generated will provide insights into the basis and urgency of need-claims, as well as how needs can be manipulated and misrecognized. Second, the "state of needs" provides political leaders with

knowledge of citizens' interests and insights as well as sufficient power and freedom to exercise and act upon their own insights and sense of timing (see below).

Opinion is constitutive of two central parts of political judgment. First, the opinions of the citizens provide part of the objective information regarding needs, interests, institutions, and need trajectories that are vital for understanding objective conditions. And, second, opinions provide access to the sentiments, beliefs, and values that are crucial for deliberation and the use of rhetoric to persuade others of the merit of a judgment. As Aristotle, Cicero, and Argenson (in the epigraph to this chapter) argue, the best means of persuading one's audience of the prudence of a judgment is to show them in terms of their own expressed beliefs and desires that what one has chosen will further their interests. To identify true interests and persuade your audience, Cicero in particular suggests, you have to identify the standard against which they evaluate their current beliefs, and therefore have to respect the partial truths buried in the partisan political opinions on each side of a controversy. This is guaranteed here by the intersubjective and contextual nature of the "truth" in "true interests" and within both the consiliar system and the plebiscite.

Deliberation and *persuasion* are enabled via the plebiscite and the consiliar system. They enable the deliberation and persuasion in terms of needs and, because needs are normally associated with strong feelings and emotions, they constitute a fertile conceptual tool for persuading others that some act or institution is in their interest (see Vickers 1989, Skinner 1996, and Nussbaum 1996 on the role of emotions in persuasion). The plebiscite and consiliar system also allow rulers and ruled to learn from one another, as well as establish checks and balances on the actions of rulers.

In sum, then, although a politics of needs, properly understood, discards the idea of "*meta*-political reason" in politics, it does not follow from this that all "reason" is therefore somehow lost. It does not collapse into a world of irrationality driven by persuasive eloquence alone. It is a mistake, therefore, to claim that we have a stark choice: either the "politics of reason," à la Hobbes, Rousseau, and Kant, or the "politics of persuasion," in which opinion, manipulation and rhetorical skill alone determine political decisions (e.g. Garsten 2006). A politics of needs enables political judgment that would make use of reason, insight, opinion, objective fact, and deliberative persuasion. It is likely to improve everyone's capability to make good political judgments and provide the basis for true popular sovereignty. Citizens will want it.

Good political judgment within the state of needs is not, however, simply about deliberation, persuasion, and judgment regarding actual true interests; it is also about the vision involved in seeing beyond these interests, in determining which trajectories will generate valuable new needs, and in the creation of new rules and goals. Besides participation, this involves judgment calls regarding which actual or possible paths or trajectories the

development of needs can and ought to take. As a consequence of what economists call the "path dependency" of decisions, this is a major aspect of the political judgment and responsibility of government. For example, a single decision by government about whether to invest in railways or motorways is a decision that will affect the way in which citizens in the future satisfy their need for mobility and affect the planetary environment. For all the reasons outlined here, politics and political judgment is impoverished without the involvement of citizens in these kinds of decisions. But, ultimately, it will be those who are doing the ruling at any one time that will have to be the final judge about how to proceed and who will, or at least ought to, pay a high price for a poor judgment call. The state of needs therefore also provides national representatives with the sovereign authority to make and assess their judgments regarding need trajectories and institutions. In other words, alongside the conditions for participation, persuasion, and deliberation, the state of needs provides the means for decisive evaluation and action, that is, political judgment (Argenson 1764, 1784; Sonenscher 2007, p. 161). Elites will also want it.

Conclusion

In this chapter I identified why the tendency within rights-based liberalism to resort to reason alone undermines the possibility for good political judgment. I then suggested that, in contrast, the political philosophy of needs I defend here, and elsewhere, provides the potential for good political judgment. I have argued that it does so because it admits of reason and unreason. It is realist. It is focused on the evaluation of human goods and motivations for action – needs, sentiments, interests, values, and institutions. It prioritizes deliberation *and* the individual capacity to judge and therefore provides mechanisms and institutions for information flow, deliberation, and persuasion between citizens and elites; a set of procedures that enable the use of reason(s), vision, insight, opinion, and deliberative rhetoric. And, last but not least, it justifies a coercive sovereign authority – the "state of needs" – requisite for decisive, bold, visionary, and often rule-bending political judgment: the indeterminate, visionary skill, and insight to decide when to try which means to attain what objective and then persuade the citizenry of the prudence of all three.

Notes

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1. *Essais dans le gout de ceux de Montaigne* (1785), I. 7, cited in Keohane 1980, p. 382.
2. Rights are conceived as legally, coercively enforceable individual entitlements that are abstract and universal. Originally conceived in terms of natural law as the means of protecting an individual's life, liberty and property (Locke 1988), now their defense is based either on "our" intuitions (Rawls 1973, p. 4; Nozick 1974, p. ix) or universal human autonomy (Rawls 1996, Dworkin 1977, Raz 1986). The coupling is odd because rights and preferences have their origins in opposing moral philosophies – natural rights philosophies, which rest on deontological moral reasoning, and welfare utilitarianism, which relies on consequentialist moral reasoning (Tuck 1997; Hamilton 2003).
3. Aristotle: "[a]ll men form unqualified judgments, if not about all things, at least about what is better or worse" (*Metaphysics*, 1008b14, cited in Garsten 2006, p. 140).
4. For a few attempts, see Kant 1996, 2000; Beiner 1983; Steinberger 1993.
5. Plato creates a strict dichotomy between two kinds of human endeavor, *technē* (or craft-activity) and *empeireia* (or experience-activity), and argues that only the former involves *real* knowledge based on inference, and that political judgment and rhetoric are examples of the latter (Plato 2004, 454d–455d, 462c–d, 465a and *passim*). Aristotle, in contrast, makes a distinction between *sophia*, scientific or inferential wisdom, *technē*, craft wisdom, and, *phronēsis*, practical wisdom, and argues that the latter does involve real knowledge (Aristotle 2004, Bks I, II & VI; Steinberger 1993, pp. 106–8).
6. Epideictic rhetoric is used in praise speeches and exhortations; forensic in courts of law; and deliberative in political debate and persuasion (Rorty, 1996, pp. xiii–xxiii). Aristotle dissociates deliberative rhetoric from forensic rhetoric (and legal judgment), and thereby rescues rhetoric from the hold of the Sophists, and from Plato's criticism of it as the art of flattery and persuasion used in "law courts and other mobs" (Plato 2004, 454b, 463b, 464c–466a; Garsten 2006, p. 130). Today we do the opposite: we laud the "independence" and "impartiality" of legal judgment and associate deliberative rhetoric and political judgment with manipulation and demagoguery (Vickers 1989; Garsten 2006).
7. "We deliberate not about ends but about means. A doctor does not deliberate whether to cure his patient, nor a speaker whether to persuade his audience, or a statesman whether to produce law and order" (Aristotle 2004, 1112b12–15). Judging the best means of curing assumed the end of curing (Nussbaum 1986, p. 297; Lear 1988, pp. 146–8.). Deliberation requires us to be anchored, for a moment, to some criterion of judgment (Garsten 2006, p. 126). For an analysis of the dispute regarding books III and VI of the *Nicomachean Ethics*, see Wiggins 1998b; *cf* Steinberger 1993, pp. 149–52.
8. In fact if Wittgenstein is right, rule-following involves little or no independent judgment, reflection or choice; it is "analogous to obeying an order" (Wittgenstein 1997, § 206, 217, 219).
9. Attributed to Otto Von Bismarck (11 August 1867). I thank Raphael De Kadt for the reminder.
10. His statement from the dock at the opening of the defense case in the Rivonia Trial, Pretoria Supreme Court, 20 April 1964, www.anc.org.za/ancdocs/history/rivonia.html; see also his *Long Walk to Freedom* (Mandela 1994).
11. *Cf* Plato, who argues that people judge well only when they ground their judgments in a general philosophic account of the good (Plato 2003, 2004); or

Kant: "'judgment in general is the faculty of thinking the particular as contained under the universal" (Kant 2000, I.18).

12. Thus Tony Blair's decision to invade Iraq was an instance of bad political judgment and poor leadership. The consequences of his decision were the opposite of those that he allegedly intended, and he attempted to plead forgiveness on account of the fact that he had acted from the right intentions. A responsible leader would have asked to be judged in light of the consequences of his actions and would have had the dignity not to backtrack on this. Contrary to what some think, this is in fact further reinforced by the phenomena of unintended consequences and moral luck (Williams 1981).
13. It is customary to make a distinction between judgment (practical reasoning) and action. But when does judgment end and action start? The resolution either way of this thorny matter does not seriously affect my argument here.
14. An emphasis on real motivation of this kind does not require that one deny that humans have an imaginative life full of aspirations, ideals, moral views and goals that influence their behaviour. Nor does it deny that humans are sometimes "rational." What it does mean is that these ideals and aspirations are only politically relevant to the extent that they do actually influence behaviour in some way (Geuss 2008, p. 8).
15. Roman and Renaissance rhetoricians emphasized a heady mix of *ratio* and *eloquentia* (Vickers 1989; Skinner 1996), to which here is added insight, vision, opinion and timing.
16. Rights-based liberalism has thus also excommunicated the idea of "human needs" from the current community of ideas. An economics or politics of needs has become *doctrina non grata*. For why, see Wiggins 1998, p. 4n; Fehér et al., 1983; Hamilton 2003, 2006a, 2008a. There are some exceptions to the rule: Hegel (1969 [1812, 1816]; 1991 [1821]), Proudhon (1994 [1840]), Marx (1992 [1844], 1976 [1847], 1996 [1875]), Braybrooke (1987), Wiggins (1998).
17. For more on the sense of "normativity" I employ here, see Hamilton 2003, pp. 14–15.
18. The idea of "true interest" here is distinct from the notions of rational interest, prudence and self-love. For why, see Hamilton 2003, pp. 100–1.
19. For my account of this census-based institutional consequentialism, see Hamilton, 2003, pp. 116–29.
20. Needless to say, I am not suggesting that the institutions associated with "rights" or "commerce" be scrapped. I am simply suggesting that, to enable good political judgment, like all other institutions, they must be understood and evaluated in terms of this political philosophy of needs.
21. In this way value is not determined by pleasure (or happiness or desire) alone but by the positive and negative effects of a specific act, claim or institution on the meeting of vital needs, the development and satisfaction of agency needs and the perception of true interests. This avoids utilitarianism without abandoning consequentialism. Nor does this approach aim to maximize vital and agency needs. It takes the maximization of agency needs and the evaluation of true interests to be the concern of individuals; but it evaluates the provision of the conditions for these and the rectification of power imbalances in the everyday evaluation of true interests (see below and Hamilton 2003, p. 122).
22. It does not follow from this understanding that the state of needs could be or would be the actual provider for the valued needs; under certain conditions and in some areas the market might do a more efficient job (Hamilton 2008c). Nor

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does it follow from this that the state is the appropriate final evaluator and guarantor for all needs. Think of the need for personal intimacy, for example. Not even political philosophers can depend on the state for that.

23. Despite much variety between states, "district" usually denotes the smallest administrative subdivision (as in the United Kingdom) and "municipality" the smallest administrative subdivision *with its own democratically elected representative* leadership (as in Brazil, France – *commune*), although some countries, such as South Africa, use an amalgam of the two: "district municipality." I follow common usage by envisaging municipalities made up of a number of small districts.
24. This is vital because "officers of the sovereign," or national representatives, can never "know and combine the interests of all the citizens in so many ways, and reunite them in light of the general good" as effectively as popular representatives (Argenson 1764, p. 232, in Keohane 1980, p. 386). Moreover, as Cicero argued, good representation is exemplified not by impartial judges but by representatives who identified closely with the one-sided position of those they represent (Garsten 2006, p. 145). *Cf* Hobbes (1991), Locke (1988), Hamilton, Madison and Jay (2003).
25. "Groups of citizens must be able to assemble together, conciliate with one another, and act with a certain independence" (Argenson 1764, pp. 27–8, 263; cited in Keohane, p. 383).
26. For more on the needs-based constitution, the decennial plebiscite (and the associated carnival of citizenship), and how these proposals might affect citizenship and need satisfaction in general, but especially in South Africa, see Hamilton, 2003, pp. 156–61, 171–84; and Hamilton 2008b.
27. The sovereign's judgment would be enhanced by knowledge of which interests were truly common, and the subjects' judgments as to particular and common interests would be improved by awareness of one another's opinions and judgments (Argenson 1764, p. 314; Keohane 1980; Dunn 2005, p. 95; Sonenscher 2007).

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