

Can a Wise Society be Free? Gilbert, Group Knowledge and Democratic Theory

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Abstract. Recently, Margaret Gilbert has argued that it appears that the wisdom of a society impinges, greatly, on its freedom. In this article, I show that Gilbert’s “negative argument” fails to be convincing. On the other hand, there are important lessons, particularly for democratic theory, that can be by looking carefully, and critically, at her argument. This article will proceed as follows. First, I present Gilbert’s argument. Next, I criticize her understanding of freedom, and then, using arguments from Christopher McMahon, criticize her understanding of a wise society. Finally, I discuss how what has been said can inform how one should think about democratic theory.

Keywords: Margaret Gilbert; Social Groups; Group Knowledge and Action; Freedom; Democratic Theory

0. Introduction

It seems trivially, or at least, true that it is good for a society to be free.¹ Equally, it seems that a wise society is better than an unwise one, all else held equal. Recently, Margaret Gilbert has suggested that an argument can be made that these two desiderata of social organization seem to be incompatible. More precisely, Gilbert gives a “negative argument” to show that it appears that the wisdom of a society impinges, greatly, on its freedom (Gilbert, 2006, p. 152). Of course for anyone who does not yearn for a Platonic Republic led by philosopher kings, Gilbert’s conclusion, if she is right, seems fairly problematic.

In this article, I show that Gilbert’s negative argument fails to be convincing. However, there are important lessons that can be gained from looking carefully, and critically, at her argument. This article will progress in the following way. In section 1, I present Gilbert’s argument. In section 2, I first criticize her understanding of freedom. I then, using arguments

¹ An anonymous reviewer pointed out that the intuitive of this claim may belie my own Western bias. I fully acknowledge that that may in fact be true. Still, I think the point stands at least to some degree.

from Christopher McMahon, criticize her understanding of a wise society. McMahon, in his criticism of Gilbert, suggests a more procedural understanding of a wise society and how a collective agent—like a society—comes to know. Finally, in section 3, I turn to a discussion of democracy to see how what is said in sections 1 and 2 help inform how one should think about democratic theory.

1. Gilbert and can a wise society be free

In *Can a wise society be a free one?*, Gilbert claims that perhaps a wise society cannot be free. She acknowledges that one might be able to have a wise and free society. However, she suggests that “in plausible senses of the pertinent terms, the *wiser* a society is, the *less free* it is” (Gilbert, 2006, p. 152). I bracket for now whether her views on what counts as a wise or a free society are plausible senses of those terms, and proceed to Gilbert’s argument.

Following Gilbert, it is best to clarify the terms of the argument first. Thus, it needs to be established what a society is, what a free society is, and what a wise society is, for Gilbert. A society is one type of social group. A social group, generally, is an association whose “members are *unified* in such a way that they constitute *more than a mere aggregate* of persons” (Gilbert, 2006, p. 152). Two things should be noted here. First, Gilbert is working with a non-reductive account of groups, in general, and social organization, in particular. By non-reductive is meant that groups are something beyond the mere summation of the individual members. An implication of Gilbert’s non-reductive account is that a social group can think, believe and act as a group, as such, and therefore beliefs, and actions can be ascribed to the group in a non-metaphorical sense. Second, societies are generally quite large, and can be made up of many sub-groups—e.g. families and corporations.

Gilbert's understanding of societal freedom is heavily dependent on a particular conception of personal freedom. One is personally free, just in case, one's actions, beliefs and values, are free from authoritative coercion.² From this definition of personal freedom, Gilbert goes on to say that "a given member, M1, of a society S, is *personally free to perform a given action, A*, in face of another member, M2, if and only if M1 is under no threat of an authoritative forceful negative reaction from M2 should M1 perform A or, indeed, should M1 propose to perform A" (Gilbert, 2006, p. 154). Gilbert calls this type of authoritative forceful negative reaction "a rebuke", for short. Rebukes can be verbal or physical, casual or institutional, real or threatened, and of varying degrees of force. Two things should be noted. First, in order to rebuke one must have the standing to do so. For example, if Tom makes Sally a promise, and does not follow through, Sally has the standing to rebuke Tom; John, who was not a party to the promise, does not have the standing—according to Gilbert—to rebuke Tom. The second thing to note relates to the first. If one party does not have standing to rebuke a second party, the first can, in important ways limit the freedom of the second. However, such an unauthoritative rebuke is not Gilbert's concern.

From her account of personal freedom, Gilbert goes on to define societal freedom. "[A]s a matter of definition, a society becomes *less free* as particular personal freedoms are subtracted from those its various members already have" (Gilbert, 2006, p. 155). Gilbert is aware that she has not given a complete account of societal freedom, but believes what she has said is sufficient for the purposes of her argument. Further, she wants to point out that

[g]iven the notion of personal freedom with which [she] is operating (...) a plausible account [of societal freedom] will not allow that a society is free when its members have little personal freedom. Nor will it demand that a free society be maximally

² What Gilbert means by authoritative will become clear in the discussion below.

free, where a *maximally free* society is one in which, for any action whatever, each member of the society is personally free to perform that action in [the] face of any other member (Gilbert, 2006, p. 155).

Finally, it is interesting that Gilbert gives an aggregative, and reductive, account of societal freedom, while claiming that societies, in general, are non-reductive. By an aggregative/reductive account of societal freedom is meant that, for Gilbert, a society's freedom is simply the sum of the personal freedoms of all the individual members. I will return to this point below, for now I mention it only in passing.

In order to understand Gilbert's account of a wise society, it is important to remember that a society can function as an agent, and therefore actions and beliefs can be ascribed to it. "Thus a particular society may be said to have made a wise (or unwise) decision," for example, and in saying that a society has made a wise decision one is not speaking metaphorically. Simply put, for Gilbert, a society is wise, just in case, it makes true value judgments, "in particular those relating to the goodness and badness of human and societal features and actions" (Gilbert, 2006, pp. 155-156). Further, a value judgment is true, at least in part, insofar as it tracks "the Good"—whatever that might mean.

There are a few things that need to be added to fill out Gilbert's account. First, an individual is wise, whether an individual person or an individual society, if it holds a "relatively numerous" number of true value judgments, and by definition does not make false judgments. A wise individual, when faced with a state of affairs the truth of which is hard to discern "will if necessary act on working assumptions understood to be such" (Gilbert, 2006, p. 157). Finally, adding a true value judgment to one's stock of judgments, by definition, makes one wiser, and *ceteris paribus*, is better than not adding a new true value judgment. In other words, by making a

true value judgment one becomes wiser, and the more true value judgments one makes, the wiser one is—again, the one referred to here can be an individual person, or an individual society.

One final thing needs to be established before moving on to Gilbert's argument, namely, establishing how a society can make, and hold, a value judgment. According to Gilbert, "a society judges that V if and only if its members are jointly committed to judge as a body that V" (Gilbert, 2006, p. 157). Critical for Gilbert's account is the notion of being jointly committed. Thus, in order to make sense of what it takes for a society to make, and hold, a true value judgment, the concept of joint commitment needs to be clarified.

First, a joint commitment is not aggregative. In other words, a group G can be jointly committed to X, but the commitment to X is not simply the commitment of each member M1...Mn of G's commitment to X qua individual. There are two implications of a joint commitment, so understood. First, this account of joint commitment is consistent with Gilbert's account of a social group. In fact Gilbert's joint commitment can be understood either as how a social group comes to be, or is entailed by Gilbert's account of a social group. Second, simply because a group is committed to X does not mean that any individual member of the group need believe X is true. However, the group's commitment to X gives not only the group sufficient reason to act according to X, but gives every member of the group sufficient reason to act according to X. Further, as Gilbert understands it, "if one *has sufficient reason* to do something, then one is rationally required to do it, all else being equal" (Gilbert, 2006, p. 158).

In the basic case, a joint commitment can only be made by all the parties involved, and a joint commitment can only be rescinded by all the parties involved—i.e. once a group is jointly committed to X, an individual member of the group cannot unilaterally withdraw his or her commitment to X. In order for the commitment to be joint, "[e]ach of the would-be parties must

express his readiness to be jointly committed with the others in a particular way, and the fact that these expressions have taken place must be open to all [i.e.] common knowledge” (Gilbert, 2006, p. 158).

Two things need to be clarified regarding the way Gilbert understands joint commitment. First, according to Gilbert, although it might be exceedingly difficult, nothing prevents even quite large groups—such as a society—from making basic case joint commitments. Second, it is possible for a party to a joint commitment, to enter the commitment “in situations of strong pressure. Just as [one] can make a decision under pressure to do so” (Gilbert, 2006, p. 158). That, of course, does not mean that a pressured commitment, or decision, is ideal, and in fact is probably quite undesirable.

In non-basic cases, special background understandings can establish alternative ways for a group to form a joint commitment. Thus, for example, members of a group can establish that a duly appointed leader, or sub-group, can make decisions for the group. Those decisions, in turn, commit the group, and, thereby, provide the members of the group sufficient reason for acting.

The upshot of Gilbert’s understanding of joint commitment is what it entails for the relations between members of the group. What a joint commitment entails is that members of a group have standing, in Gilbert’s sense of the term, relative to one another. That is to say, members of a group can authoritatively rebuke one another for not fulfilling the joint commitments of the group. So, if group G judges that V, then if member M1 fails to act according to V any other member M2...Mn can authoritatively rebuke M1. Importantly, M1 need not personally judge that V, but he or she is committed to act according to V. For example, M1 cannot claim that he or she thinks V is false without preamble. So, if M1 states V is false qua member of G, M1 can be rebuked. However, if M1 states “I know the group judges that V, but,

personally I think V is false,” M1 has not, necessarily, failed to live up to his or her commitment, and thus cannot be rebuked.

Now, on to Gilbert’s argument, take a wise society S. By definition S has predominately true value judgments, and has few, or no, false value judgments. Further, any true value judgment J S adds to its stock of true value judgments makes S wiser. “Given the nature of societal value judgments in general, J provides the members of S, as such, with a ground for rebuking one another for a new range of possible actions, R. R includes speech acts as well as actions that do not involve speech. Thus S becomes less free” (Gilbert, 2006, p. 160).

More explicitly, the idea seems to be something like this: If S judges that J, then all the members of S are jointly committed to J, and, thus can no longer R. If a member M1 of S decides to R, any other member of S has the standing to authoritatively rebuke M1 for R-ing. If M1 can no longer R without being authoritatively rebuked, then M1 is not free to R. If M1 is not free to R, M1 loses just that much of M1’s personal freedom. Since the societal freedom of S is just the aggregate of the personal freedom of all the members of S, M1’s loss of personal freedom, with respect to R, makes S less free. Moreover, the same argument holds for every member M1...Mn of S. Therefore, if S judges that J, then every member M1...Mn becomes less personally free.

Gilbert’s conclusion, then, is that the wiser a society becomes, by adding more true value judgments, the society becomes less free. In other words, the freedom of a society is inversely proportional to a society’s wisdom. Therefore, a wise society cannot be free—or at least not that free—because the wisdom of a society reduces its freedom.

2. A critique of Gilbert

Having briefly presented Gilbert's argument, and clarified the concepts that underlie it, I now turn to some criticisms of her argument. Gilbert has asked a very bold question—viz. Can a wise society be free? However, her response is less bold. Instead of claiming that a wise society cannot be free, full stop, she has only suggested that “in plausible senses of the pertinent terms, the *wiser* a society is, the *less free* it is” (Gilbert, 2006, p. 160). Thus, at best, she has shown that a wise society understood in a particular way cannot be free in a particular sense. The most obvious way to refute Gilbert, then, would just be to present alternative accounts of a wise society and societal freedom. That way of arguing seems like a dodge.

A better way to refute Gilbert is to meet her on her own terms. With that in mind, in this section of the article I show that her argument does not go through even if one only discusses a wise society and societal freedom in her senses of the terms. The argument put forward in this section against Gilbert comes from both directions. First, I argue against her from the direction of societal freedom. Then, with the help of arguments from Christopher McMahon, argue against her from the direction of a wise society.

In responding to Gilbert, first I argue that she has failed to show that a wise society cannot be free because her understanding of societal freedom is inconsistent with her understanding of what a society is. That is to say, if a society is what she says it is, then societal freedom cannot be of the kind she considers—at least it seems odd that Gilbert accepts it. Second, I argue that if societal freedom is exactly what she says it is, and a wise society is what she says it is that it does not entail that a wise society cannot be free. Rather, it is likely that such a society would be free.

Gilbert maintains in the article under consideration here, and throughout the rest of her work as well, that a social group, in general, and a society, in particular is a non-reductive agent to which beliefs, desires and actions can be ascribed in a non-metaphorical sense. Because she

has this non-reductive account of a society, she claims that a wise society is one that makes true value judgments even if no particular member of the society makes that same value judgment.

Continuing with the idea that a society can be an agent, according to Gilbert. Some society S can be said to believe X, or judge that Y, or do Z, even though some member M1 of S—or some sub-group of members M1...Mn of S—does not believe X, or judge that Y or does Z. To be clear, for Gilbert a society's beliefs, or judgments, et cetera, are not reducible to the aggregate beliefs, judgments, and so forth of all the members of S.

If Gilbert is right regarding what a society is and what can be ascribed to a society, then there seems to be a deep inconsistency in her argument. The inconsistency amounts to this: every belief, judgment, action, et cetera that can be ascribed to a society is non-reductive and not aggregative, save one—viz. freedom. In order for Gilbert's argument to go through, a society's freedom is the only thing that is aggregative.

Gilbert thus has two choices. She either has to accept that societal freedom is not aggregative, or she has to give up the idea that other things ascribed to a society—e.g. beliefs and judgments—are non-aggregative. If she chooses the former, then her argument does not go through, because the reduction of the personal freedom of any, or even every, member of the society does not entail that the society is less free.³ Granted, the reduction of the personal freedom of the members of a society might mean the society is less free, but if so then Gilbert needs to do much more work to explain why, without appealing to aggregation directly.

If Gilbert chooses the latter—i.e., giving up the idea that other things ascribed to a society are non-aggregative—then it is not clear that her argument goes through. If what makes the

³ One possibility, for example, would be to claim that a society is free if the society, as such, is personally free. Here is the idea. A society is free just in case the society is free to perform actions in the face of other societies, on the international stage say, without fear of authoritative rebuke from other societies. Thus, the society can be free even if, internally, it is totalitarian. Now, Gilbert might not be pleased with such a definition of societal freedom. However, the point is that there are other ways to think about societal freedom that are non-aggregative, and this is just one. My thanks to William Rehg for drawing my attention to such an option.

society wise is making true value judgments understood aggregatively, then it is not clear that the personal freedom of the individual members is impinged upon in the way that Gilbert needs it to be for her argument to work.

So, if Tom makes a promise to Sally, and Tom's promise entails that he cannot R, then Tom is not free to R. However, Tom has accepted the burden of the promise and therefore the impingement on his freedom is self-imposed, and does not seem that problematic. Alternatively, Tom could break his promise unilaterally—if a promise is understood simply as a kind of aggregation of beliefs or judgments—and if he does, then on Gilbert's account he would no longer be jointly committed to the promise. Thus, Sally can no longer authoritatively rebuke him for R-ing. Yet, unauthoritative rebukes are not Gilbert's concern.

On the societal level, understood aggregatively, if society S judges that V and that entails that the members $M_1 \dots M_n$ of S can no longer R, then $M_1 \dots M_n$ are not free to R. However, like the promise between Tom and Sally, the lack of freedom to R is self-imposed and thus does not seem to be problematic. Or, if some member M_1 unilaterally withdraws from the joint commitment that V, then M_1 can R and all other members $M_2 \dots M_n$ no longer have the standing to authoritatively rebuke M_1 . However, if M_1 can only be unauthoritatively rebuked, then the impingement on M_1 's personal freedom is not of the relevant kind for Gilbert's argument to work.

So, I have argued that it does not seem that Gilbert can consistently maintain the plausible versions of both a wise society and societal freedom necessary for her argument to prove what she intends. However, even if one grants Gilbert her understanding of a wise society and societal freedom, it does not entail that a wise society cannot be free.

For Gilbert, a wise society is one that makes true value judgments. If her argument is to go through, then it must be assumed that her account of societal freedom—call this SF for short—is true. Now, if SF is true, then a wise society would most likely, and probably necessarily, hold her account of societal freedom. As Gilbert suggests, though, there are implications for an agent—whether an individual agent, or a societal one—holding a particular value judgment. Most importantly it commits one to a range of activities that are and are not permissible.

It seems natural to assume that among the range of activities entailed by SF, are constraints on how, and under what circumstances, someone can be rebuked for failing to live up to a joint commitment. So, if SF is among the stock of a wise society's value judgments, then SF introduces a significant constraint on any member's ability to authoritatively rebuke any other member. Therefore, the introduction of any new value judgment does not entail, necessarily, a limit on any of the society's member's personal freedom, and thus would not lead to the dangerous reduction of societal freedom that Gilbert's argument needs to draw the conclusion which she does.

There are a couple of ways that Gilbert might respond to the objections raised here. First, is that there was a caveat mentioned above—viz. the how, and under what circumstances, someone can be rebuked. Second, that there is a distinction between an authoritative and a justified rebuke.

As to the first, even Gilbert admits that it is not the case “that a free society be maximally free, where a *maximally free* society is one in which, for any action whatever, each member of the society is personally free to perform that action in [the] face of any other member” (Gilbert, 2006, p. 155). Thus, even if there are some conditions on when and how someone can be rebuked, this does not entail that the society is necessarily unfree in a significant sense.

The other way Gilbert might respond is by noting that if a society S adopts Gilbert's definition of societal freedom, it just entails that each member is not *justified* in rebuking another member for failing to fulfill one's joint commitments, each member still has the standing to authoritatively rebuke any other member. After all, Gilbert does claim that "[as she] understand[s] it, to have the *authority* to punish [or rebuke] is not necessarily to be *justified* in doing so" (Gilbert, 2006, p. 153). Furthermore, she might contend, just having the authority to rebuke is sufficient to undermine freedom. Therefore, her argument stands. Yet, it is not clear that in adopting her definition of societal freedom it does not neutralize the authority members have to rebuke one another; that seems to be an open question. However, even if all adopting Gilbert's account of societal freedom does is make some rebukes unjustified that does seem to be sufficient to guarantee an adequate amount of personal freedom. Gilbert acknowledges that unauthoritative rebukes do not undermine personal freedom, in the right way—even if they are justified, take the example from above where John does not have the authority to rebuke Tom because John was not a party to the promise, John still seems justified in doing so. Thus, it seems like the onus would be on Gilbert to explain why it is the case that an unjustified authoritative rebuke affects one's personal freedom, but a justified unauthoritative rebuke does not. It would seem that the unjustification of the former would give normative weight to the idea that one *actually cannot* rebuke, while the latter only allows for the rebukee to respond "It is not for *you* to do that" (Gilbert, 2006, p. 153).

Thus, it has been shown that from the societal freedom side of the argument, Gilbert's argument fails. Her argument fails because, on the one hand, it does not seem Gilbert can consistently maintain both her "plausible" understandings of a wise society and societal freedom.

Thus, one or more of the premises can be denied. On the other hand, even granting the premises does not entail the conclusion.

Having challenged Gilbert's argument from the perspective of her account of societal freedom, I now turn to focusing on her account of a wise society. Using arguments from Christopher McMahon, it will be shown that there is a way of understanding a wise society, consistent with Gilbert's account, that does not entail, necessarily, a significant loss of personal freedom. If such an understanding of a wise society allows for personal freedom, then it is possible for a wise society to be free.

The first thing to note is that there are at least two ways to talk about a joint agent—like a society—having a belief or value judgment.⁴ On the one hand,

[i]t could mean the group's relating to a proposition in the way an individual who *has formed* a particular belief relates to the proposition believed. Alternatively, it could mean the group's relating to a proposition in the way an individual who *is forming or considering whether to retain* a belief relates to the proposition being entertained (Gilbert, 2006, p. 153).

Gilbert seems to endorse the former. In explicating her view, then, once a wise society has formed a true value judgment, the society—as a joint agent—should relate to that value judgment the way an individual that held the value judgment would.

When an individual holds some belief, or judgment, *p* one expects that individual to perform in certain ways. For example, when asked, the individual will affirm that *p*, and not perform actions that entail not-*p*. Thus, a joint agent, when it holds some belief, or judgment, *p* one expects it, and by extension its members, to perform in a certain way—viz. affirming that *p*,

⁴ Following McMahon, since according to Gilbert value judgments can be true or false, one can understand a value judgment as a belief with a particular type of content—viz. normative or evaluative. Therefore, for purposes of this article, “judgment” and “belief” may be used interchangeably. See McMahon (2006, p. 171).

and not performing actions that entail not-p. Therefore, some member of a society that holds that p, should not perform actions that are inconsistent with p. Because Gilbert seems to endorse the holding of a belief view, it seems reasonable to say that a member of a society that holds that p could be rebuked for acting in a way that is inconsistent with p—e.g. denying that p without preamble.⁵ The rebuke is all the more justified if Gilbert is right that if a society holds a particular belief, then it entails that the members “incur obligations of joint commitment” (McMahon, 2006, p. 171).

McMahon rightly points out that a society’s holding of a belief is only part of the story. Something needs to be said “about how a society comes to form true value judgments” (McMahon, 2006, p. 171). Yet the focus on belief formation, as opposed to holding a belief, has different implications for the relationship between the wisdom of a society and its freedom. Further, “[i]t should also be understood that belief formation encompasses considering whether to retain a belief previously formed” (McMahon, 2006, p. 171). Since the model for a group agent is the individual agent, the way a society relates to the formation of a belief should parallel how an individual forms a belief.

Individuals form beliefs in all sorts of ways, but rational belief formation seems to be how a wise society, or individual, would form beliefs. When deciding whether or not to hold some judgment V—i.e. when forming the judgment—an individual must consider the relevant reasons regarding V. “So if, in forming an evaluative belief, a group is to relate to the proposition that provides the content of the belief in the way a rational individual does, it must consider what is supported by the relevant reasons” (McMahon, 2006, p. 171).

In the case of a society the process of weighing and evaluating of reasons must involve “some form of shared deliberation or collective reasoning” (McMahon, 2006, p. 173). Naturally

⁵ I set aside for now, the concerns raised above.

such deliberation would be governed in such a way as to reliably, and effectively, form true judgments and beliefs, the specifics of the rules that govern such deliberation, however, are not relevant for the purposes of this article.

While the specifics are not of concern here, some general things should be noted. First, a society rationally forming the belief that *p* must use some procedure that the belief that *p* come from amongst a set of member beliefs, only some of which might be the belief that *p*, “provided that belief formation among the members is the result of a process of shared deliberation within the group as a whole” (McMahon, 2006, p. 173). Second, a wise society, on this more procedural account, is not wise merely for possessing a true belief, but rather forming the belief in the right way. Third, there are important implications for societal freedom.

On the more procedural understanding that McMahon suggests, the joint commitment of individual members of a society is constrained, and shaped, by the available evidence for the belief, or judgment. The way evidence, or in the case of value judgments, reasons, shapes and constrains the joint commitment of individual members is that good evidence can trump the obligations entailed by a groups belief.⁶ “So if the wisdom of a group is understood to lie in its employment of a process that enhances its epistemic potential, those who come to believe, as individuals that a belief previously accepted by the group is in fact false must be free to express their dissent” (McMahon, 2006, pp. 173-174). Because a group’s epistemic position can be improved by the individuals within the group reasoning together, the individuals must be free to correct one another. Therefore, a society’s wisdom is not only compatible with freedom, but requires it. “It [a society’s wisdom] requires that members be able to express dissenting views without suffering rebuke” (McMahon, 2006, p. 174).

⁶ This parallels the individual case. Take the promise between Tom and Sally, if circumstances change or an emergency arrives—say Tom’s mother has been in an accident and needs to be taken to the hospital—Tom is generally not held to be blameworthy if this prevents him from keeping his promise (except for, perhaps, someone that holds an extreme Kantian position).

There seems to be a conflict at this point. On the one hand, an individual, or society, that holds a belief is expected to perform certain actions consistent with that belief, such as affirming the belief. On the other hand, forming a belief—which includes determining whether or not to retain the belief—seems to require, at least possibly, performing actions that are inconsistent with holding the belief, such as denying, or at least questioning, the belief. In the case of an individual when he or she believes *p*, for example, the individual will perform actions consistent with *p*—affirming that *p*, basing inferences on *p*, et cetera. “But a rational individual will monitor her beliefs for compatibility with the evidence, and if she determines that a belief she has held is incompatible with the evidence, she will give it up” (McMahon, 2006, p. 174). Therefore, there is no real conflict because rational questioning of a belief is consistent with holding a belief, and in the face of good evidence one can, and ought, to change one’s belief accordingly. Further, “[i]f an individual gives up a belief there will be no expectation that she will perform any of the actions entailed by an individual’s holding that belief” (McMahon, 2006, p. 174).

There is an important difference between an individual agent holding, forming and retaining a belief, and a joint agent, like a society, holding, forming and retaining a belief. The monitoring the individual does occurs internally, and thus the individual’s questioning of a particular belief does not necessarily manifest in any outwardly observable public action. For a joint agent the monitoring of beliefs by members, necessarily, involves outwardly observable public actions; at a minimum it would require public speech acts. The monitoring at the societal, or group, level “involves challenges to the belief by some members of the group and collective consideration, through shared deliberation, of whether these challenges warrant the abandonment of the belief” (McMahon, 2006, p. 175). Thus, in the group/joint agent case there is little, or no,

distinction between public action and private thought, as there is with an individual agent. “The upshot is that if a society is to be wise, in the sense that belief formation is based on consideration of the relevant reasons, the members must be able to call into question, without suffering rebuke, any belief that the group may previously have formed” (McMahon, 2006, p. 174).

By getting clear on what it means for a society to believe or judge, it seems that there is another way to understand a wise society that is, in some ways, consistent with Gilbert’s account of a wise society and does not, necessarily, entail a reduction of a society’s freedom. Not only does a wise society hold true beliefs, but there must be appropriate mechanisms in place that allow the society to track the truth. What these mechanisms are can of course vary, but at a minimum there must be some sort of public deliberation involved. Moreover, the public deliberation must allow for individual members to question and challenge beliefs and judgments held by the group. However, in order for members to effectively challenge the beliefs and judgments of a group, the members of the group must be free to voice their opinions without fear of rebuke. But, if members can express views contrary to that of the group without rebuke, then their personal freedom, at least in many cases, will not be reduced, and, therefore, societal freedom will not be reduced. Thus, a wise society can be a free society.

The purpose of this section of the article was to point to some problems with Gilbert’s argument that the wisdom of a society negatively impacts how free a society can be. It was shown that her argument fails to be convincing. If one takes her understanding of societal freedom, either it is inconsistent with her conception of what a society is, or if it is true then there is reason to doubt that societal freedom would be reduced. With some clarification of societal belief formation, then it was shown that not only can a wise society be free, but must be.

3. Lessons for democratic theory

In this section of the article, I want to point to some lessons that the discussion, thus far, has for democratic theory. In particular, there are some important ideas that any adequate theory of democracy must incorporate. The real upshot of Gilbert's article, and also the criticisms put forth, is not that a wise society can or cannot be free. Rather, it is a call to think about to what societal wisdom and freedom amount.

The first thing to point out is that McMahan's criticism seems right. In her discussion of a wise society Gilbert leaves the idea of societal judgment woefully underdetermined. Thus, something needs to be said about how a society forms or retains a judgment. If McMahan's characterization of societal judgment formation is correct, then there are clear implications for a democratic theory.

Most importantly, a democratic theory consistent with McMahan or Gilbert cannot be a pure procedural account of democracy. On a pure procedural account "the operation of the democratic process itself *constitutes* what politically ought to be done" (Richardson, 1997, p. 359). In other words, a true judgment is precisely just what is produced by a democratic process. Thus, it would be futile to try and "track the truth", because true judgments would just be what the society judged. That then is the first lesson for a democratic theory. An adequate democratic theory must be understood as an epistemic process for coming to have, roughly, objective true value judgments. The focus then for a democratic theory must be on how the mechanisms it employs not only track the truth but enhance its epistemic position.

The second lesson for democracy regarding societal wisdom is that there can be no ultimate closure principle for deliberation, whether this is a majority rule vote or something else.

If a requirement of a society being wise is that members can challenge any belief or judgment that the society holds, then deliberation is always open ended. Now, there can be tentative closure that is continuous with the actual deliberation. The upshot of not having an ultimate closure principle is that it makes the society not only responsive to changing circumstances and available evidence—such as developments in science—but also respects the popular sovereignty of the individuals within the society “as self-originating sources of claims” (Richardson, 1997, p. 349). By keeping deliberation open ended not only is there an increase in epistemic potential—by allowing new or better reasons to alter a societies beliefs—but it allows the individuals within the society to adjust their own beliefs and values.

A further benefit of keeping deliberation open ended and the tentative closure of deliberation continuous with the deliberation itself is it solves a motivational problem. Henry Richardson argues that if one sees closure, especially if closure is understood as majority rule vote, as discontinuous with the rest of deliberation, then “the decision [decided on by vote] is seen as a mere polling of individuals for their private preferences. [Thus,] there will be less incentive to follow through on the push towards a reasonable compromise” (Richardson, 1997, p. 357). What Richardson is drawing attention to is that if the active involvement of citizens in deliberation is supposed to improve the overall society’s epistemic potential, on the one hand, and be responsive to good reasons, on the other, then a majority rule closure principle allows for the possibility of citizens not deliberating in good faith. In other words, if the closure principle is discontinuous with deliberation, then what goes on in deliberation might have little or nothing to do with what the society believes or judges. Moreover, especially if one is in the majority, then one can placate the minority by being responsive, in a sense, to their reasoning, while at the same time knowing that one will be voting exactly as one already planned to prior to deliberation.

Those then are some lessons that can be had regarding societal wisdom, and how a society judges. There are also some important lessons for democracy regarding societal freedom. Another thing that it seems that McMahon got right is that if a society depends on the contribution of its citizens for making good value judgments, then citizens need to be able to express dissent without fear of rebuke. Such dissent would naturally include public speech acts aired through appropriately established mechanisms—e.g. contacting one’s local legislative representative, or writing an article for a local newspaper. Similarly, public protests and perhaps even some civil disobedience might need to be tolerated, at least to some degree.⁷

However, there still remain two problems that any adequate theory of democracy must take into account. First, is the problem of minority opinion. Second, is the fact that even granting McMahon the ability for citizen dissent does not provide a very robust notion of freedom. As to the first problem, even if a minority viewpoint is free to express dissent there are two related and problematic issues. In some sense and at least sometimes, no matter what the actual mechanisms for decision making are, the minority view will never “win the day”. Thus, even if the minority is free to express their opinion they will, at least possibly, never be free to act on their opinion without being rebuked in some ways. Therefore, an adequate theory of democracy must be able to accommodate and protect minorities from domination by a majority. On the other hand, there is also always the possibility that there will be minority contrarians that are going to disagree just to be disagreeable. So, an adequate theory of democracy must be able to prevent such contrarians from bringing the entire system to a halt. The lesson then for democracy is that it must walk a fine line between accommodating minority opinion and protecting the minority from majority domination without allowing the minority to dominate the majority either.

⁷ Naturally, civil disobedience cannot be tolerated in the way a sanctioned public protest would be. Most importantly, if it was tolerated significantly, it would not really be civil disobedience. However, there should be limits on what counts as a reasonable response to civil disobedience—fines and, short-term, jailing might be permissible, but killing the civil resistor is probably going too far.

The second issue regarding societal freedom is that even if McMahon can allow for citizen dissent free from rebuke, such an understanding of freedom still appears quite sparse. Here then it is instructive to consider the second objection put against Gilbert's notion of freedom. Above, it was pointed out that if a wise society adopted Gilbert's understanding of freedom then in doing so there would be constraints on the abilities of members to rebuke one another. In other words, by making that value judgment it provides protection to the members of the society from one another. On the other hand, Gilbert is right that it would make the society less free because members would no longer be free to rebuke in the same way. Thus, there is a trade off regarding personal freedoms. Yet, Gilbert also stipulated that a society need not be maximally free to be actually free. Therefore, even if a value judgment limits freedoms, it can also enhance other freedoms.

It seems that such a process would be true of many value judgments a society might make, not just one about freedom. For example, say society S comes to make a value judgment that the society ought to protect the environment. One implication would be that if member M1 of S decides to pollute the local river, M1 could be rebuked for doing so. Therefore, M1 would be less free to pollute. However, every member of S, including M1, is at the same time made more free relative to enjoying clean air and water. Similarly, take the example of a society passing a law that limits the amount of fishing that can be done in a particular lake. On the one hand, it limits the freedom of particular members to fish as much as they want. On the other hand, such a law ensures, at least potentially, the long term ability of members to go fishing in the lake. Since unrestrained fishing could lead to the complete annihilation of the lakes fish population, at some point no one would be able to fish at all. Hence, limiting freedom in some respects, may actually enhance members overall freedom.

What the above considerations suggest is a more republican understanding of freedom.⁸ For the republican, “to be free of interference is to be more or less secure against it, so that the measure of freedom is the quality of the protection one enjoys” (Pettit, 1993, p. 310). In short, what freedom requires is the active protection of personal freedom, as opposed to simple non-interference, even if this active protection involves some constraint on members’ actions. Moreover, being a citizen is what guarantees one’s freedom. “Citizenship gives protection and constitutes freedom only so far as the law is appropriately framed, respected, and applied and only so far, therefore, as people can be relied upon to make themselves available for public office and to behave properly while in office” (Pettit, 1993, p. 312).

Notice that this last point, that citizens actively participate and involve themselves in public office—whatever that might mean—goes well with the idea of an active deliberative democracy, discussed above. So, not only does good deliberation epistemically improve a society’s ability to make true value judgments, but also helps guarantee particular societal freedoms. Therefore, not only does societal wisdom require freedom—as McMahon points out—but to have stable freedoms requires citizens to actively participate in deliberation, which in turn helps the society be wiser. Thus, societal freedom requires, or at least implies, societal wisdom.

While nothing that has been said in this section of the article is definitive, there are some important lessons that one putting forth a democratic theory ought to take seriously. First, if a democracy is to make true value judgments, then it cannot be a purely procedural democracy. Second, there must be constraints that involve protecting the minority from majority domination and the majority from minority obstruction. Third, Gilbert’s and McMahon’s understanding of societal freedom, even if partially correct, is not substantial enough to count as a full theory of societal freedom. The reason Gilbert’s and McMahon’s accounts are only a partial account of

⁸ My thanks to James Bohman for pointing me in the direction of republicanism.

freedom is because freedom seems to not only require non-interference, but also requires active protection from interference. Further, if for a society to be free it need not be maximally free, then there is always going to be a give and take and balancing of freedoms. Finally, it was suggested that not only does societal wisdom demand societal freedom, but societal freedom requires societal wisdom, understood as the active participation of all citizens in the democratic deliberative process—in some way or another. This final point suggests a republican understanding of social organization. Hence, even if a democratic theory does not adopt a full republican position, it should at least consider some of its merits.

4. Conclusion

To conclude, in this article I have shown that Gilbert has failed to successfully prove that a wise society cannot be free. Her argument, even granting her “plausible understandings” of the relevant terms, does not prove what it sets out to prove. Despite the shortcomings of her argument, there are important lessons that can be learned from a careful and critical understanding of her article. In the first two sections of the article, I presented Gilbert’s argument and then, with the help of Christopher McMahon, raised some criticisms against Gilbert. In the third section of the article, I highlighted how Gilbert’s and McMahon’s articles suggest some issues that an adequate democratic theory ought to take seriously.

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