

WORKSHOP

COLLECTIVE DECISION-MAKING AND THE RULE OF LAW

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Freedom of Expression and Collective Epistemology

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Abstract

Many conceptions of the rule of law, especially substantive conceptions, incorporate the importance of freedom of expression. And many conceptions of freedom of expression incorporate ideas of collective epistemology. Specifically, does freedom of expression foster the idea of collective decision-making, and does this idea include collective decision-making about facts and the empirical world as well as collective decision-making about what ought to be done? And if this is so, then is that desirable? Although conceptions of democracy recognize the importance of collective decision-making about normative matters, collective decision-making about factual matters invites the question whether such collective decision-making about facts and factual truth inclines towards knowledge and truth or whether, to the contrary, it impedes it.