



**SERRC**  
Social Epistemology  
Review & Reply Collective

<http://social-epistemology.com>  
ISSN: 2471-9560

Response to Franca d'Agostini's "Alethic Rights: Preliminaries of an Inquiry into the Power of Truth"

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Watson, Lani. 2021. "Response to Franca d'Agostini's 'Alethic Rights: Preliminaries of an Inquiry into the Power of Truth'." *Social Epistemology Review and Reply Collective* 10 (7): 33-39. <https://wp.me/p1Bfg0-61H>.

Franca d'Agostini (2021) proposes, explicates, and defends six alethic rights corresponding to six different aspects of the 'need for truth'. In addition, she outlines the underlying theory of truth that grounds these rights, drawing together key ideas from the diverse philosophical perspectives of functionalism, realism, scepticism, and transcendentalism. The overall picture is, in my view, rich and compelling. In particular, d'Agostini poses a key question in the abstract: "can philosophy support the idea of truth as a source of rights" (1)? I believe that she offers compelling reasons to answer in the affirmative. My own work in this area concerns the concept of *epistemic rights* (Watson 2021) and, as such, my commentary primarily focuses on the schema of rights proposed by d'Agostini, as opposed to the underlying theory of truth grounding it.

## 1. Terminology

I begin with a point of terminological difference. Before presenting the proposed system of rights in Section 2, d'Agostini notes that she has chosen the term 'alethic', as opposed to 'epistemic' or 'veritistic' to refer to the rights in question. She employs this term "as it was conceived by the ancient philosophers in Greece" (2), drawing on the original meaning of 'aletheia', which is 'non-concealment'. D'Agostini suggests that this original meaning exposes an "often underrated or forgotten" (2) feature of the concept of truth; that it is fundamentally negative in nature. By this, she means that the concept of truth arises only in circumstances where some doubt or perplexity exists. This choice is significant because, d'Agostini argues, "the possibility of falsity (by error or deceit) is what *valorizes* T [the conceptual function of truth], makes the use of this function of fundamental importance in our lives" (9, emphasis original).

The relevant terminological difference arises in a contrast between d'Agostini's use of the term 'epistemic' and my own. She notes, "I have called these needs 'alethic' to stress that they are not *merely* epistemic: they do not only concern the will to truth as the will to know, but more generally the will to live in a world of trustworthy communication" (10, emphasis added). This suggests that, for d'Agostini, the epistemic is a more restrictive notion than the alethic whereas, for my own part, I have understood this relation to be the exact reverse. The term 'epistemic' is commonly used by epistemologists to refer to a set of states of goods 'pertaining to knowledge', the latter phrase being derived from the ancient Greek. While the precise contents of this set are not always explicitly identified (let alone agreed upon), the set commonly includes, at least, truth, belief, and justification; the basic, albeit contested, constituents of knowledge. As such, where I use the term epistemic in my own work, I intend it to refer to a set of epistemic states or goods, including truth, as opposed to simply knowledge. Epistemic needs or rights are thus neither *merely* alethic needs or rights, nor are they exclusively rights to know. Rather, epistemic rights are rights concerning all the epistemic goods, including truth. Under this interpretation, alethic rights constitute a subset of the generic category of epistemic rights.

I make this point primarily to highlight the terminological difference for interested readers, given that the literature on this topic is currently very small. It is my view that we require

some way of referring to a generic category of rights in the epistemic domain, and it is natural to term this category epistemic rights. This entails nothing about the relative fundamentality of alethic needs and rights in the epistemic domain. D'Agostini is, I think, right to draw attention to the fundamental role of the concept of truth in our epistemic, moral, and political lives. Her explication of a set of alethic rights is, moreover, essential to our understanding and appreciation of this. It will nonetheless be useful for readers to bare the terminological difference in mind, in order to avoid confusion in the remainder of the commentary. I move now to an examination of the set of alethic rights presented by d'Agostini.

## 2. The Alethic Rights

D'Agostini presents six alethic rights, under the section heading 'A 'System' of Rights'. She elaborates on the need for multiple alethic rights by appealing to "a plurality of different needs of epistemic as well as moral and practical nature" (2)<sup>1</sup> and identifies three distinct 'spheres of human interest in truth':

- 1) Communication and information;
- 2) Science and alethic institutions in general;
- 3) Culture.

This provides the basis for a rich picture of the contemporary alethic landscape in which we live, and the underlying concerns that drive our interests in and need for truth. The picture raises, in my mind, three clusters of questions. The first concerning the nature of alethic rights, the second concerning the relationship between alethic rights and alethic duties, and the third concerning the systematicity of the proposed system. I will elaborate on each of these in turn.

### a) The Nature of Alethic Rights

D'Agostini does not give an analysis of the concept of alethic rights in the paper (and such an analysis may reasonably be regarded as beyond its scope). In very general terms, the paper indicates that alethic rights are 'rights to truth'. Delving into the text more deeply, one finds further clues as to the precise nature of these rights. For example, d'Agostini refers to 'alethic claims' (pages 2 and 3), as well as "claim[s] of truth" (12), and describes the system of alethic rights as "a system of interrelated claims" (3). This strongly suggests that the alethic rights she enumerates are intended to be claim-rights, as opposed to mere privilege-rights, in the Hohfeldian sense (Hohfeld 1919). In other words, alethic rights establish claims to truth for legitimate right-holders.

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<sup>1</sup> Here, I read d'Agostini as deploying the term 'epistemic' in the broader sense in which I am inclined to use it i.e. as referring to a set of epistemic states or goods, or perhaps the epistemic domain more generally.

If this is correct, then one can derive further conclusions about the nature of alethic rights by drawing on additional terminology associated, in particular, with claim-rights. For example, the language of positive and negative rights is often deployed in relation to claims. Positive rights are rights that pertain to what is *done*, while negative rights are rights that pertain to what is *not done*. The right to education, for instance, is typically regarded as a positive right, meaning that right-holders have a claim to *assistance* in accessing education. The right to free speech is typically regarded as a negative right, meaning that right-holders have a claim to *non-interference* with respect to the free expression of their views. If alethic rights are indeed claim-rights, one can ask whether they constitute positive rights to assistance or negative rights to non-interference.

Here the picture is less clear with respect to the six alethic rights in d'Agostini's system. In particular, d'Agostini states the first alethic right (AR1) as follows: "Right to be correctly informed (not being deceived, misled, or kept in the dark about relevant topics)" (2). As I read it, this presentation of AR1 suggests, on the one hand, that it is a positive right to assistance in accessing correct information ('the right to be correctly informed'), and on the other hand, that it is a negative right to non-interference with respect to accessing correct information (by 'not being deceived, misled, or kept in the dark'). These two readings of AR1 constitute the difference between having a claim that someone actively tell you the truth versus having a claim that they not lie to you. It is unclear from the presentation of AR1 which of these is intended.

D'Agostini elaborates on AR1 in Section 2.1. Here she states that this right expresses "the need that we all have to be protected from false, elusive or misleading communications" (3). I am inclined to interpret this (and d'Agostini's articulation of the right elsewhere), as an indication of the negative status of AR1. In other words, it should be read as a right not to have one's access to correct information interfered with or disrupted, by governments and other authorities. If this is correct, then notably, AR1 falls short of establishing a somewhat more radical claim to the active promotion and distribution of correct information. It would, for example, protect against the spread of falsehoods in the mainstream media, but fall short of requiring that journalists actively seek out and report truths. Of course, I may be interpreting AR1 incorrectly. In any case, further clarity on the precise nature of this right would aid in its correct interpretation.

The distinction between positive and negative rights matters, in general, because rights are, ultimately, action-guiding. If I mistake a positive right to action with a negative right to inaction, I may end up not doing something I should do, and so violating another person's rights (or otherwise harming them). In the case of AR1, it matters, in particular, for understanding what should be done (or not done) in order to establish the protections against 'false, elusive or misleading communications' that d'Agostini cites. There is no doubt that such protections are warranted, and it is important that we understand precisely what is required of ourselves and others as 'alethic agents', in order to enact and safeguard them.

The same can be said of the other alethic rights too. Unlike AR1, I am broadly inclined to interpret AR2-AR6 as positive rights. This, in itself, raises a set of important questions

regarding the requirements generated by positive rights, which are generally greater and demand more resources, than those generated by negative rights. Again, further clarity on the precise nature of each of the alethic rights – whether they be positive or negative (or indeed claim-rights at all), will aid in their correct interpretation and so in understanding what they require us, and our institutions, to do (or not do). Moreover, this call for further clarity regarding the nature of the alethic rights, leads naturally to a second cluster of questions concerning the relationship between alethic rights and alethic duties.

### **b) The Relationship between Alethic Rights and Alethic Duties**

As indicated, the paper strongly suggests that d’Agostini regards the alethic rights in her system to be claim-rights. Along with the question of positive versus negative rights, this raises the question of alethic duties. According to the Hohfeldian schema (Hohfeld 1919), all claim-rights have correlative duties (a correlation that is widely accepted among rights theorists). This means, simply, that any claim-right one has establishes a duty for someone else in respect of that claim. If, for example, you have a claim-right that I buy the next round of drinks, (say because I promised that I would), then I have a duty to do so. Duties are an integral feature of claim-rights.

This tight correlation between claim-rights and duties reflects the action-guiding nature of rights, in general. As Raible (2020) puts it: “Conceptually speaking, rights mandate action... They need to provide reasons for others to act in a certain way” (50). As the correlatives of claim-rights, duties establish how one should act when one is a duty-bearer. If I have a duty to buy the next round of drinks (because you have a claim-right that I do), then I should head to the bar. Your claim-right guides my actions. Moreover, claim-rights not only establish duties but must also allow for the identification of duty-bearers. Your claim-right is not, after all, to the round of drinks itself, but to *me buying* the round. Claim-rights mandate the actions of particular duty-bearers.

If alethic rights are claim-rights, then they must establish duties and allow for the identification of duty-bearers. D’Agostini recognises the relevance of duties and asks precisely this question regarding the identification of duty-bearers, in relation to AR1: “Possibly, the main problem regards the agents bearing the duty of enacting AR1: who is really entitled to control information” (3)? In response, d’Agostini states, “[W]e have thus to postulate a second right” (3). This indicates that the second alethic right, AR2, is intended to provide at least a partial answer to the questions d’Agostini raises regarding duties in relation to AR1.

As presented on page 2, AR2 is stated as: “Right to be in the conditions of evaluating the information one receives (having criteria and critical skills to select true contents)”. D’Agostini elaborates, stating that AR2 includes, in particular, the right to education. We can infer from this, that those who bear alethic duties with respect to the provision of education are intended, according to the system, to be (some of) those who bear alethic duties with respect to AR1 (the right to be correctly informed). This makes good sense in the abstract,

but it is less clear who, in practice, should be identified as a duty-bearer with respect to either AR1 or AR2.

Indeed, the identification of duty-bearers regarding the right to education is a particularly complex and contentious issue. This right is asserted in Article 26 of the *International Bill of Human Rights* (1948). Accordingly, all of us have the right to education, as AR2 suggests. But we do not all bear the correlative duty to educate. You do not have a duty to teach me algebra any more than I have a duty to teach my next-door neighbour epistemology. Such duties, where they arise, must be allocated to particular individuals. But, in the case of the provision of education, it is unclear whether these duties lie with parents, teachers, the State, or some combination of all three.

O'Neill (2005) emphasizes the significance of this tight correlation between rights and duties and argues that this poses a particular challenge for advocates of universal human rights to good and services, such as food, healthcare and education. As she puts it (2005) "rights must have well-specified counterpart obligations [duties]" (430). Crucially, as O'Neill stresses, (2005) "we cannot tell who violates a right to goods or services unless obligations [duties] have been allocated" (428). As should be apparent, this is by no means an issue that exclusively concerns d'Agostini's system of alethic rights. It is, however, salient, given the broad scope of the rights she postulates, and reflects an important issue that does not receive particular attention in the paper.<sup>2</sup>

Of course, the paper covers a lot of ground and one cannot expect it to do everything. My intention here is primarily to indicate an important direction for further elaboration of the system, in due course. That said, I do wonder if cracks may start to appear upon such elaboration. Notably, while d'Agostini explicitly poses the question of duty-bearers in relation to AR1, she does not do so in the case of AR2-AR6. Rather, she states that in each rights-couplet within the system, "the latter specifies the *conditions* for a correct enactment of the former" (3, emphasis original). Thus, AR2 provides conditions for the correct enactment of AR1, AR4 provides conditions for AR3, and AR6 provides conditions for AR5 (as well as the system as a whole). D'Agostini then states that "the six rights are progressively corrective: each AR regards the conditions of a correct activation of the previous AR, and the last one presents the conditions of all the others" (3).

To my mind, the issue of identifying particular duty-bearers arises in the case of each rights-couplet, as well as each individual right. Specifically, it is unclear how 'conditions of correct enactment' correspond to the identification of particular duty-bearers. AR6 is particularly notable in this regard. AR6 functions, according to d'Agostini, to provide the conditions for all of the other alethic rights. It is presented on page 2 as: "Right to live in a culture in which the human need for truth is acknowledged, and there is general awareness about the role of truth in human life". As a fundamental condition for the system as a whole, this makes

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<sup>2</sup> For reference, I discuss epistemic duties in Watson, 2021 (Chapters 2 and 3), where I present a basic taxonomy of six epistemic duties (36).

perfect sense. As a positive claim-right with correlative, ‘well-specified’ duty-bearers, it is much more difficult to interpret and imagine in practice.

Moreover, the structure, as presented, suggests a tighter connection between rights in the three rights-couplets, than between those straddling the distinct spheres of human interest in truth. Again, to my mind, this leaves AR2, AR4, and AR6 on weaker ground with respect to both the conditions for correct enactment, and the identification of specific duty-bearers. Generally speaking, I find the presentation of the three couplets of rights in d’Agostini’s system both valuable and in need of further scrutiny, particular in relation to the question of alethic duties and duty-bearers. This general concern brings me to a third and final question regarding the systematicity of d’Agostini’s proposed system.

### **3. The Systematicity of the System**

To what extent do the six alethic rights presented by d’Agostini represent a system of rights. It is interesting that d’Agostini herself places the word ‘system’ in inverted commas in the title of Section 2. She does not explain this grammatical nuance but the reader might reasonably infer that it is intended to signify something tentative about the claim to systematicity. Nonetheless, in a comment later in that section, d’Agostini states: “It is important to remember that the six AR do not form a list of separate principles and requirements, rather they constitute, altogether, a system of interrelated claims, corresponding to strictly connected needs” (3). This offers, I think, an important insight into the nature of the task undertaken by d’Agostini in this paper. She is seeking to ground a set of essential rights in the fundamental power of the concept of truth. Our distinct needs for truth are ‘strictly connected’ to each other in virtue of the fact that they are all, ultimately grounded in this central concept. As noted at the outset, I believe d’Agostini presents a compelling picture in this regard and, thereby, accomplishes an important task.

In particular, d’Agostini provides a convincing narrative that details a natural progression through the system of rights. While I hope for further clarity regarding the relationship between ‘conditions of enactment’ and duty-bearers, I nonetheless appreciate the clear path that d’Agostini lays out, leading from AR1 all the way to AR6, via a series of increasingly fundamental actualising conditions. Likewise, while I have concerns about how we might realistically enforce any duties arising from the implementation of AR6 (and, as such, the possibility of its implementation at all), it nonetheless provides a compelling basis for greater recognition of the power and significance of truth in our social, moral, and political lives.

I draw attention to the systematicity of the system in this final comment, therefore, in order to highlight what I take to be one of the most valuable contributions d’Agostini is making in this paper. That is, an affirmative answer to the question noted at the outset: “can philosophy support the idea of truth as a source of rights” (1)? It can, and d’Agostini shows us how. The substantive discussion of the underlying theory of truth in the second half of the paper, of course, furnishes much of the argument in support of this, and I have not dealt with that here. Instead, I have focused on the system of alethic rights presented by d’Agostini. I have done so because this is where I have myself attempted to make a

contribution to the discourse. It strikes me that the particularly systematic nature of d'Agostini's system of rights may intersect with, and provide further grounding for the distinctly less systematic collection of epistemic rights that I have enumerated and analysed. I am very grateful for this and hope that the discourse in this area continues to grow in the coming years.

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