Alethic or Epistemic? A Reply to Lani Watson

Franca d'Agostini, University of Milan, franca.dagostini@unimi.it

––––––––––––––––––

Lani Watson's "Response" (2021a) to my article (2021) on *alethic rights* (AR), the rights related to truth, provides an extremely helpful contribution to AR theory. The exchange with Watson is particularly interesting as she has extensively elaborated on a similar subject—the idea of *epistemic rights* (ER) (Watson 2021b). Epistemic rights, not unlike the notion of AR, has yet to be completely clarified and formalized and is becoming increasingly important.

In my article, I first presented a system of six AR; then I explored the underlying truth theory.[1] In response, Watson points out four relevant issues:

(i) The difference between *alethic* and *epistemic*;
(ii) The nature of the AR (what kind of rights they are on the basis of the Hohfeldian systematics);
(iii) The identification of the duty-bearers;
(iv) The nature and reason of the *system* of six AR which I have proposed.

In the following, I will briefly comment on the four points with a focus on points (i) and (iv).

The two central issues, (ii) and (iii), are more closely related to the practical activation of the AR hypothesis, while (i) and (iv) refer to the most original aspects of my proposal— the decision to treat the complex relation between truth and rights by focusing on the notion of truth as *aletheia*, thus speaking of 'alethic' (not 'epistemic' or 'veritistic') rights; the idea of presenting the different aspects of our 'right to truth' in the form of a system (I would also say a sequence; see here § 3) of six inter-related rights.

Watson acknowledges that, in the original article, there are hints about each point, but she correctly notes that many details should be specified, especially on a practical level. In fact, the aim of the article (specified on page 515) was not to examine all the aspects of a positive defence of the AR, but to provide a theoretical framework for the acknowledgment and activation of this sort of rights. The aim was philosophical and, more specifically, truth theoretical. Many points of practical relevance have been expounded by Maurizio Ferrera, who co-authored an Italian presentation of the theory.[2]

I am a truth theorist; I am not a political scientist or a jurist. I am not even, strictly speaking, a political philosopher or a philosopher of law. But the increased importance of the concept of *truth* (T) in public debates has become a true challenge for T theorists. So, here are the central questions: Given that the sector of T theories is a rich and lively field of studies, can we use these theoretical resources to treat such a vital aspect of public life? Can we help activists, jurists, politicians, and all people who variously deal with the public use of T? I think we can. More specifically we, as philosophers, can advance *preliminary* ideas (as my title suggested); namely, we can construct the framework within which normative proposals can

---

[1] The AR theory had been previously proposed in 2017, in close confrontation with Antonella Besussi, Alessandra Facchi, Maurizio Ferrera and Elisabetta Galeotti (see "L'universalità dei diritti e il concetto di verità", *Biblioteca della libertà,* LII, 2017, gennaio-aprile, n. 218) then reconsidered in d'Agostini and Ferrera 2019.
[2] Ferrera 2019. See also, for the practical difficulties in the activation of AR, Facchi 2017.

be evaluated and activated.[3] This is what my original article attempted to do. Very kindly, Watson suggests that the attempt was basically successful.

## 1. From Needs to Powers

As to (ii), Watson writes:

> 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) […] Delving into the text more deeply, one finds further clues as to the precise nature of these rights', and she suggests that AR may be intended as 'claim-rights, as opposed to mere privilege-rights, in the Hohfeldian sense (34).

In fact, in the article I premised that my approach to the notion of 'right' is based on the idea of *needs* as generators of (human) rights (515). In a note, I hinted that the need-oriented perspective is not often considered in discussions about rights, but I did not deepen this point. Now Watson's perplexity gives me the opportunity to specify the idea.

Thinking of *right(s)* (R) in terms of needs implies a significant methodological shift with respect to Hohfeld's categorization of 'R' in terms of *claims*, *powers*, *immunities* and *privileges*. The shift does not substantially modify the Hohfeldian distinction, but simply captures a different and more fundamental level of analysis. Such a level is especially profitable when we deal with human rights because the attention to the universality of humans and their lives and destiny gives critical centrality to the idea of rights as expressing needs. More generally, the notion of need-R can hold for any sort of theory of R.

In practice, I have assumed that 'a R' generally intended is *the political and juridical formalization of a legitimate need of individuals and communities*. A legitimate need generates a R only if it is culturally acknowledged, so it enters the set of beliefs which constitute the 'common ground' of a community. Claims, powers, immunities and privileges, the four aspects isolated by Hohfeld, can all be seen as the expressions of needs that have been acknowledged by a community as legitimate, and deserving satisfaction.

Along this line, Ferrera (2019) has proposed some clarifying specifications. He writes: 'following Max Weber's legacy, we can define rights as sources of power (*Machtquellen*)'.[4] So, (to use Hohfeld's terminology) the notion of R-power has a certain primacy. More specifically, when the acknowledged needs of people and individuals become rights, they become *warranted powers* (powers resting on a public warranty). At this point, three kinds of resources are activated (Ferrera 2019, 97-99).

---

[3] Importantly, 'preliminary' here does not mean 'tentative' or 'provisional', but 'concerning the possibility conditions', which is what was meant by the adjective 'transcendental' for Kant and for Kant-inspired philosophers (see § 3 here below).
[4] Ferrera 2019, 97 (translation is mine).

(1) *Normative* resources (rules, norms) will give R-holders the power (disposition) to address their alethic claims to the appropriate duty-bearers. (2) *Coactive* resources give R-holders the power to appeal to a class of norms which will provide duty-bearers with constraints. (3) And there must be *instrumental* resources, which will guarantee access to the appropriate practical conditions for advancing the relative claims.[5]

In the case of our need-R to truth, all of this is undefined. There are many norms and rules that deal more or less directly with T (in fact, one may hold that all facts of justice are submitted to some alethic constraint), but the relation between T and R is a controversial subject. In particular, the *right to truth* (RT) is a relatively new juridical archetype, thus its adequate characterization is under discussion (I mentioned Brunner and Stahl 2016 for an inter-disciplinary account of the controversies). In most lists of human rights there are only vague and indirect mentions of T. We should therefore verify whether or not, ultimately, the old philosophical concept T, *as such*, gives us warranted powers. This was the aim of the analysis launched in the article (and in d'Agostini-Ferrera 2019).

As to the point (iii), Watson stresses that 'according to the Hohfeldian schema […] 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' (36).

I have already asserted that to restrict the analysis to the notion of claim-R is reductive with respect to the nature of R and of AR as human R. But what is worth to saying here is that, in the case of AR, the relative claim-R are the ultimate effect of a movement of political, juridical and above all cultural acknowledgment of needs that are still to be legitimated as such. So, in a sense, the first duty-bearers are the members of political and juridical culture, who are charged with beginning this movement (see § 3 here).

This partially explains why, in the article, the duty bearers of each AR are unspecified. However, the main rationale for this lack of specificity is that, in the case of human R, the duty bearers are in principle *all members of the international community*.[6] Presenting a general principle of justice, a human R opens the possibility but not the actuality of a legal guarantee, which means it releases powers that—at first—do not have coercive resources as such. As Ferrera suggests, building on Sen (1981), human R have 'orientating' rather than constraining powers; the thread of coercion over specific duty-bearers will be given by positive laws. This does not diminish, in principle, the impact of the AR and of human R in general. If anything, human (collective and personal) needs are also the primary sources of positive laws. If there are alethic needs—if we really need T in some sense (and no doubt we do)—then one may think about AR as acknowledged and legitimated (warranted) powers, as generators of norms to be applied by sovereign organs.

---

[5] For example, in the case of the first AR—the need-R to be correctly informed—we have the R to receive correct information in virtue of normative resources; people who violate this R should be punished (coactive resources) and we should access these means to obtain adequate satisfaction of our need, so being informed that we have the warranted power to claim it (instrumental resources).

[6] See Ferrera 2019, 99-104.

I hope there will be an occasion to dispel Watson's residual perplexities about (i) and (ii) in closer discussion with her. For now, what is important to remember is that, as pointed out in my article, the AR I have listed (with the exception of AR 6, perhaps) are *already active* in our customary or official systems. They have been integrated and embodied (though in a non-explicit way) in a series of norms and measures which we, as AR-holders, already access. And there are correlative duty-bearers. The first aim of the theory is to draw attention to the role of T: more specifically, to 'the power' of the concept over our ways of producing, transmitting, and using believed truths, and the needs (and difficulties) which T generates.

## 2. Why Alethic?

Watson stresses 'the relevant terminological difference' between what she believes is my use of the term 'epistemic' and her own:

> … [F]or 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 […] where I use the term 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 (3).

In this sense, for Watson the *alethic rights* (AR) 'constitute a subset of the generic category of epistemic rights'.

Terminological disagreements are critical, in philosophy. The difference between *epistemic* (E) and *alethic* (A) highlights a particularly relevant aspect of the AR theory; I intend to explore the problem elsewhere. Here, I note that the difference does not strictly regard the notion of 'E', about which I substantially agree with Watson.[7] It rather regards the notion of truth, so that what I mean by 'A' is different from what Watson presumably means.

The thesis that I have advanced in the article (and elsewhere) is that, when we speak of *truth* (T) in political and social contexts, we ought to refer to the ancient *aletheia*, i.e. the concept launched by Greek democracy, which has remained substantially unmodified throughout the entire tradition (at least until the end of the nineteenth century), and is still active in the work of many philosophers (mainly logicians and metaphysicians). The choice to favour the ancient concept introduces a particular approach to T-problems and implies a 'vocabulary' of T which is not always practiced by political philosophers and political epistemologists. It is in light of this vocabulary that our need for T appears legitimate as such, and thus we may begin to promote the consequent powers. And it is from this point of view that the A domain cannot be held a subsection of the E.[8]

---

[7] For Watson (2021) 'E' as pertaining to knowledge in general (propositional as well as objectual) is to be considered inclusive of the 'doxastic', and hence, it is a wide sector of goods and values, especially in our 'Information Age'. I think this is unquestionable.

[8] In fact, I would not speak of classes of sub-classes of R. If anything, the notion of T does not imply knowledge, while 'knowledge' is minimally 'true belief' so it is T-implying. I see that Watson intends E in a

To understand the reasons of this choice it will be useful to reconsider, very briefly, the conception of T which supports the AR theory, as I have presented it in the second section of the article. Watson says that it joins four 'distinct' theories of T. In fact, it joins four *aspects* of T which sometimes have been presented separately but are parts of a single, simple and I think easily shareable T-theory.

*Realism and Scepticism*

The most obvious feature of T is *realism*: true (*alethes*) is the discourse that says how things stand (Plato, *Cratylus* 385c: *ta onta legei os estin*). When Manfredo Velasquez's sister engaged her battle against the Honduran government (whose police had killed her brother in 1981), she evidently asked about how things stood. Therefore, she wanted to know the T in the line of Plato's definition. I presume that Watson can accept this account.

Notably, Manfredo's sister did not want to know or believe a certain version of the story, nor to access a believable version; she wanted the true story, and she did not want the true story 'as such': she already knew it! Rather, she wanted the truth, which she already believed, to be openly *revealed*. So, the second feature of the notion of aletheia is *scepticism*, which is well expressed by the privative alpha. 'Truth', as *a-letheia*, non-concealment, stands for the act of un-veiling, rejecting deceit and self-deceit.[9] What the *a-lethes* intends to do in our language is to remove the obscurity of appearances, with a further eliminative act. What deceits and mistakes have obscured, T is intended to reveal.

*The Conceptual Perspective*

When we wish to defend Manfredo's sister, and in general all people (including ourselves) who, for any reason, need T, we must acknowledge that we are speaking about the generality of the *concept* and our unrestricted possibility to use it. We are not speaking of (believed or known) true *contents* as such, but of the use of the concept T, i.e. the mental and semantic function that works to connect things (largely intended: including possible or actual worlds) to words or thoughts. Manfredo's sister, and all people claiming T, first of all and in the most general sense, need to use their ability to connect words (thoughts) and worlds in a way that is most profitable for them (not in conflict with other people's rights, as stressed by Rodotà 2012, 226-231 and Facchi 2017). This is basically the aim of any acknowledgment and formalization of the *right to truth* (RT): to defend people's disposition to use cognitive means in the realistic and sceptical way that distinguishes T.

Watson's view differs from mine, I think, specifically in this respect. By 'T' Watson intends (the knowledge of) things as they actually are: she is referring to true *contents*, and not to the

---

non-minimal sense. For Watson, 'E' (as pertaining to propositional as well as objectual knowledge), is inclusive of the 'doxastic', the sphere of beliefs. The result does not change, because there are many beliefs which are not true, but there are also many truths that are not believed. Hence, we are authorized to think that the A sphere is orthogonal.

[9] The idea is crucial in Martin Heidegger's conception of T; but his view significantly differs from mine so I do not deepen it here.

concept. For her, the A domain is more restrictive than the E because she sees that we do not always have knowledge of things as they are, so 'T' for her is only a particular 'good' of epistemic relevance. Clearly, the conceptual view produces a different result. While true beliefs are not always guaranteed, the conceptual function we call 'T' is always active in our life; its action is ubiquitous and pervasive. This consideration introduces us to the last relevant point of the T-theory we ought to embrace.

*A Transcendental Concept*

We always need to connect things and beliefs, we always need to reject false or distorted beliefs, for reasoning, believing, choosing, deciding, arguing, speaking and acting. So the two features of realism and scepticism are dominant in our cognitive activity. The *ubiquity*, or *pervasiveness*, of the function T corresponds to what a large part of the philosophical tradition tells us: that T is a 'transcendental', i.e. (for medieval philosophers as well as for Kant) a *possibility condition* of the exercise of reason. This explains why I say that A values, goods, virtues and vices are orthogonal with respect to the spheres of knowledge, morality, politics, justice and common life. In any sector, the reference to T is a necessary (even if not sufficient) condition.

Notably, a transcendental function is not what in virtue of which we reason, reflect and discuss, make decisions and act consequently, but what *without which* we *cannot* reason, argue, choose and act. One may discuss this account, but it explains the 'importance' of (the concept of) T in terms of its wide impact on our rationality. It explains why Velásquez Rodríguez v. Honduras (1988), as well as the other cases advancing some forms of RT, have had a pervasive action, reframing our ideas about the role of communication and information in human R and in our juridical systems. It also explains why, ultimately, considering the AR as a special sub-section of *epistemic rights* (ER) might be anti-performative.

I think the need for T as 'possibility condition' is what also justifies Watson's account of ER. She correctly postulates an enlarged consideration of the E sphere because knowledge in democracy has a clear impact on political, social, and ethical issues. But, namely, the impact is due to the action of the concept T. What joins ethics (more generally, the sphere of practical values) and epistemology (the sphere of theoretical values) is the use of T. The intersection occurs in virtue of the effects of (bona fide or intentionally deceptive) false, or misleading, or distorted, or elusive communications, when our need for T is unsatisfied or falsely satisfied. My suggested response to the subtitle of Watson's book, "Epistemic rights and why we need them", is this: we need them because we need to use the concept T in an 'alethic' way, to capture how things stand, and to disprove and avoid falsity, for deceit or error, which is not an easy task. We need help in performing it, especially in democracy.

## 3. Why a 'System'?

The last question advanced by Watson concerns the nature of the *alethic rights* (AR) system I have proposed.

> 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 (36).

I did indeed fail to specify, but in using the inverted commas I quoted from the eminent Italian jurist Stefano Rodotà, who wrote: 'in studying the right to truth we come to acknowledge that the concept of truth does not inform only one right, but an entire system of connected rights'.[10] In the article, I tried to construct such a system. Therefore, I did not mean to manifest doubts about the systematicity of the proposal: in fact, I am pretty sure that the AR system, and the theory of truth that supports it, may work to clarify and promote the idea of AR (and, possibly, the kinds of norms and measures we can provide). And I am particularly pleased that Watson has appreciated the idea of proposing it as a 'progression' of rights, justified by a 'narrative', as she writes, which explains the action of T 'in our social, moral and political lives' (38).

The AR system can be better understood if one keeps to the notion of need-R. All of the AR I have mentioned regard the use of the concept T, so altogether, we can say people need to use the conceptual function T in the most profitable way, for themselves and for the community. But concretely, this fundamental need is articulated in a series of different needs. People should not be deceived or misled by distorted communications, and they should not be kept in the dark about relevant themes (AR1). They should be provided with critical means to distinguish true from false or untrue communications (AR2). There must be reliable alethic institutions, which avoid testimonial injustice (AR3), which are positively oriented to search for T, and which favour people's ability to access T (AR4). Finally, people need to live in a cultural context that positively addresses the safeguarding of these rights (AR5), and they also need to live in a context in which there is a general awareness about the alethic values, virtues and vices, and about the power T holds in determining our lives (AR6).

The basic distinction regards three spheres in which the action of T is socially and politically relevant: the sphere of information and communication (for AR1 and AR2), the sphere of epistemic institutions (for AR3 and AR4), and the sphere of culture (AR5 and AR6). So, the specific duty bearers are people who exert alethic vices and virtues in each sphere. As I have already mentioned, the AR I have listed are not 'new', except for AR6, to a certain extent. There is no room here to provide further details. I only advance, as mere hypothesis, that Watson's ER can correspond to the first four AR, which are most closely related to the access to T contents. The last two AR give justification and support to them.

It is important to recall a point that is repeatedly mentioned in the article but, if undervalued, may lead to misunderstandings. The six AR express six essential features of a good (authentic) democracy; in my view, safeguarding these R is the *sine qua non* of democratic justice. But the liberal resistance against T should not be underrated. T is a powerful

---

[10] Rodotà 2012, 211 (translation is mine).

concept, and its power can be dangerous: it can be used against the lives and well-being of people, and against itself (against the same reasons why T has been created in our language). I have stressed that the six AR are 'progressively corrective', and the progression is namely conceived to avoid this difficulty.

It is practically and deontically impossible to defend AR1 if people are not educated to cultivate a critical awareness for distinguishing right and wrong, good or bad beliefs (AR2). It is impossible to give people critical means if the alethic institutions do not guarantee the credibility of truly reliable theories or persons (AR3), and they cannot do so if they are not T-oriented in their activities (AR4). It is impossible to have these needs satisfied, if the juridical and political culture is not positively concerned with the acknowledgement, legitimation and formalization of the related rights (AR5). More importantly, all this might be realized in wrong ways, in those ways classically condemned by democratic liberalism (wars 'in the name of truth' or true contents established 'by law', etc.), if we all are not educated with the double (philosophical) awareness about the power of T, and the related risks and benefits (AR6).

As we see, the last AR is the most important: it states the possibility conditions for all the preceding AR. The intent of the AR theory is namely to promote the acknowledgment and defence of the AR6. It asks, ultimately, that we as democratic citizens be provided and provide one another with a philosophical education, in the ancient sense of 'philosophy' as the dialectical art of the aletheia.

## References

Besussi, Antonella. 2017. "La Doppia Natura Della Verità." *Biblioteca Della Libertà* (218): 43-50.

Brunner, José and Daniel Stahl, eds. 2016. *Recht auf Wahrheit. Zur Genese Eines Neuen Menschenrechts*. Wallstein Verlag.

d'Agostini, Franca. 2021. "Alethic Rights: Preliminaries of an Inquiry into the Power of Truth." *Social Epistemology* 35 (5): 515-532.

d'Agostini, Franca and Maurizio Ferrera 2019. *La Verità al Potere. Sei Diritti Aletici*. Torino: Einaudi.

d'Agostini, Franca. 2019. "Diritti Aletici." In *La Verità al Potere. Sei Diritti Aletici* written and edited by Franca d'Agostini and Maurizio Ferrera, 5-58. Torino: Einaudi.

Facchi, Alessandra. 2017. "La Verità Come Interesse Collettivo." *Biblioteca Della Libertà* (218): 51-65.

Ferrera, Maurizio. 2019. "Una Nuova Politica Della Verità." In *La Verità al Potere. Sei Diritti Aletici* written and edited by Franca d'Agostini and Maurizio Ferrera, 61-122. Torino: Einaudi.

Rodotà, Stefano. 2012. *Il Diritto di Avere Diritti*. Bari-Roma: Laterza.

Sen, Amartya. 1981. *Poverty and Famines: An Essay on Entitlement and Deprivation*. Oxford: Clarendon.

Watson, Lani. 2021a. "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.

Watson, Lani. 2021b. *The Right to Know. Epistemic Rights and Why We Need Them.* New York: Routledge.