

# The Right to Knowledge and Truth: the Challenge of Citizen Empowerment

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*Abstract:* In this article, the idea of epistemic/alethic right is tackled from the perspective of the empirical theory of democracy. In particular, it explores how epistemic/alethic rights may be actually promoted in contemporary democracy through citizen empowerment.

*Keywords:* Epistemic/Alethic rights, Democratic ethos, Post-truth, Epistemic empowerment.

## *Introduction*

In the past twenty years, the empirical theory of democracy has recast its focus towards “quality”. (Diamond’s and Morlino, 2005; Rothstein, 2011). According to some theorists, a key element for identifying the quality of a government is that of “reason-based ethos” (Agnafors, 2013): a concept which lies halfway between morality and culture. An ethos is a set of shared principles, beliefs and norms within a given community. It is the “character” of that community, as per its original Greek meaning. With respect to the quality of government, an appropriate ethos would promote “decision making consistent with the law of non-contradiction and where none of the well-known spoilers of rationality and reason have any influence on the decision”. Such spoilers are typically coercion, manipulation, deceit, inadequate information, adaptive preference formation. We could say that an ethos of this kind would ultimately rest on the concept of truth and on its correct use in producing valid knowledge. There is no reason for restricting the desirability of such ethos to policy-makers: in fact it would be desirable that such ethos permeate the entire society.

The discussion launched by Lani Watson (2021) and Franca D’Agostini (2021) on epistemic/alethic rights provides precious insights on how to promote and institutionalise a democratic ethos centred on reason, knowledge, and truth. Compared to the abovementioned debates, such discussion shifts the focus from the supply side – the duties of policy makers – to the demand-side, i.e., the rights of citizens. This change of perspective is interesting not only at the theoretical level, but also at the practical level. The category of “right” allows in fact to bridge the two levels and to reflect on how access to truthful knowledge could be turned into a pillar of the institutional structure and the distribution of power in a democratic system.

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### ***Rights as bundles of powers***

Following the footsteps of Max Weber, I consider rights (in particular, claim rights) as sources of power (*Machtquellen*). More particularly, to have a right means to be endowed with four types of resources which right holders can use to affect (cause) the behaviour of duty bearers and obtain compliance. The first type is constituted by deontic resources, i.e. normative justifications for triggering action. In practical terms, deontic resources follow from the performative formulation of a right (e.g., “everyone has the right of access to health care”), which creates a previously absent normative position. To be effective in the world of practice, such initial formulation must be included in some official document backed by a modicum of “input legitimacy”, e.g., charters, constitutions, treaties etc. The duty bearer is typically not indicated in general formulations, which take the form of “manifesto rights”. However, depending on the nature of the document, the official acknowledgement of a right provides deontic resources vis-à-vis public authorities (especially if the official document has emanated from them), which are supposed to enact the right in question. Public authorities thus become bearers of an intermediate duty: putting in place an institutional structure which guarantees the success of individual claim-making, especially in case of violation. The most effective source of deontic resources is a constitution. Even if constitutional rights often have only a programmatic nature, they nevertheless provide a sound basis for claiming their transformation into fully-fledged legal norms. The claim is addressed to public authorities, the only actor which is capable of “guaranteeing” the actual realisation of the right (Ferrajoli, 2004) and thus the production of the corresponding final good (health care, precisely).

The second (and key) type are legal resources proper. Laws turn general formulations into detailed binding norms, which specify the “whos” (i.e., “all resident persons”), the “what” (i.e., “access to the national health service”) and the “how” (i.e., the way in which the national health service should be organised as well as the modes of access). Legal resources are backed by the guarantee of the state via the implicit threat of legal coercion. More or less explicitly, legal rights designate also the duty bearers (in the case of health care: the state and health providers). Laws create subjective rights in the full sense: active legal situations, in which right holders can legitimately demand the “what” from a designated “who”, according to a specific “how”.

The third type of power resources conferred by rights is linked to enforcement. In the case of non-compliance by the duty bearer, the right holder’s claim remains unmet (e.g., the responsible public authority does not provide health services, or access is denied by a provider). Enforcement resources endow the right holder with the subsidiary right of activating third party enforcement, precisely, typically by a court of law. As a rule, enforcement resources inhere in legal resources, but they may also be produced by dedicated sets of norms.

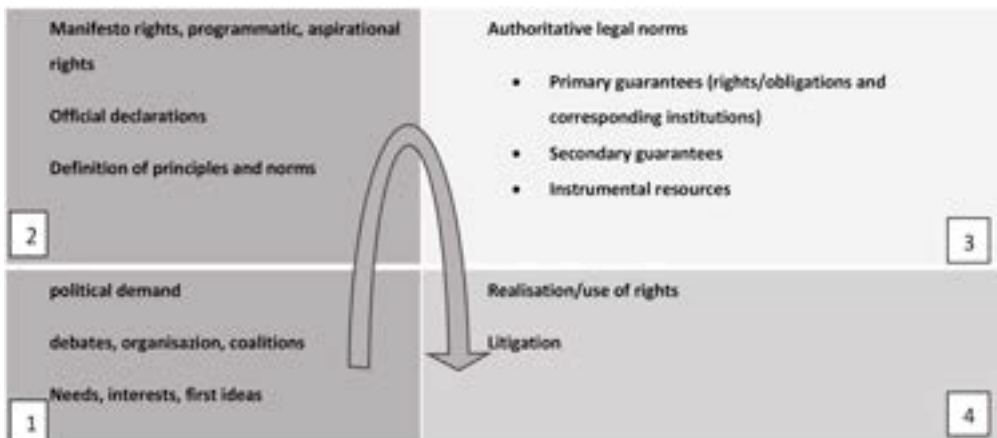
What ultimately matters for right holders is the success of their claim. But many “whats” presuppose the production of certain outputs on the side of the duty bearer (e.g., health care services, or education). Outputs must be not only materially available, but also practically accessible. The full and concrete exercise of a right may thus require a fourth class of power resources – instrumental resources –, which can be leveraged

on in order to actually enjoy the “what”. The adjective “instrumental” has two meanings. First, it refers to outputs, which are obviously crucial if the “what” is a material service or benefit. Amartya Sen (1981) has famously highlighted the crucial importance of instrumental resources in this first sense, especially as far as fundamental rights are concerned. During a famine, the right to subsistence is useless even in the presence of legal and enforcement guarantees, unless the state makes food available in the affected area. The second meaning refers to the channels and procedures which enable and facilitate access to the output. There is today wide evidence that ordinary citizens are often unaware of their rights and/or do not take them up. To address this problem, a dedicated class of rights has recently seen the light, which guarantee the availability of user-friendly access channels or specific advisory and mediating structures.

Fully fledged rights comprise the entire bundle of power resources. Rights may however also limit themselves to providing only a portion of the bundle. Manifesto rights provide deontic resources of a general nature. The programmatic or “aspirational” nature of such rights does not incorporate a guarantee of actual fruition. Legal rights specify the content of claims and duties and thus provide a primary guarantee of compliance, backed by the implicit threat of legal coercion. Enforcement rights confer a secondary guarantee, i.e., the additional power to claim third party enforcement in case of noncompliance. Finally, instrumental rights confer resources for the practical access to and actual fruition of the designated content of the claim.

Table 1 provides a visualisation of the process through which the demand for rights emerges from society, enters the political arena, and produces those norms and power resources which enable citizens to make claims and obtain compliance at the practical level. Quadrant 1 is the societal sphere (we could call it the demand-side of the overall “production” process) where needs emerge, experiences are shared, interests are articulated and transformed into political demands, i.e., collective claims of rights recognition (and resource production) addressed to political authorities. Quadrant 2

**Table 1** The production of rights



is part of the supply-side, where collective claims are processed and responded to. In this quadrant, general principles are elaborated, and various performative formulations start to circulate in public documents. Depending on contextual conditions, this quadrant can be the end-point of the process, via the production of a general manifesto right, only providing deontic resources. In quadrant 3 the process of right recognition makes a further step and enters the “black box” of politics, i.e., those authoritative arenas and institutions which can create legal, and enforcement guarantees as well as instrumental resources. Quadrant 4 represents again the societal sphere, where rights are concretely exercised/realised: right holders are endowed with the four power resources which enable them to take concrete advantage of their normative position.

### ***Power resources for claiming knowledge and truth***

The need for correct knowledge and truth is increasingly felt in the societal sphere. But how can such rights be actually promoted? Can they possibly become “full bundles”, comprising all four types of resources? The process can only be incremental: one should build on the existing institutional status quo and “bend” it as much as possible towards epistemic and alethic goals. Let me provide some first insights for moving in this direction in relation to the six alethic rights proposed by D’Agostini and me elsewhere (D’Agostini and Ferrera, 2019). Table 2 summarises the strategies which could be used for turning such rights into formal guarantees providing power resources.

A first strategy is to establish a direct connection with already existing legal rights and thus exploit their set of guarantees. In the case of AR 1 and AR3, for example, a more systematic connection could be created with the existing variety of criminal, civil and administrative norms concerning fraud, perjury, libel, and the like. *Vis-à-vis* possible “vertical” manipulations -i.e., false information or deception on the side of public authorities, democratic regimes have already devised channels and procedures for accessing knowledge about public decisions: transparency and open records acts, public advocates, the right to questioning, commissions of inquiry, and so on. The faculty of activating such tools is an emblematic example of an instrumental right, which enables the exercise of the right to correct information and non deception. Obviously, the instrument cannot guarantee claim satisfaction (i.e., the attainment of the final good: truthful knowledge might in fact remain beyond reach).

If there are no rights which can serve as initial anchors, the alternative strategy is to leverage on principles and aspirational rights already included in constitutions, charters, conventions, treaties and the like. Let us take AR2: the prime instrument of capacitation is education – and the right to education is already part of most democratic constitutions as well as international charters and conventions. What needs to be done is to highlight the key role played by the concept of truth and its correct use for the development of both cognitive and civic skills. The recently emerged field of virtue epistemology has already provided many precious insights for identifying and promoting individual intellectual capacities, such as inquisitiveness, curiosity, good questioning and the like (Battaly, 2018; Watson, 2015).

**Table 2** Possible strategies for citizen empowerment

Strategy	Type of right	examples
<b>Build on existing rights and instrumental resources</b>	AR 1 The right to be correctly informed and not deceived  AR 3 The right to be acknowledged as reliable sources of truth, and not suffer a credibility deficit	variety of existing criminal, civil and administrative norms concerning fraud, perjury, libel, and the like transparency and open records acts, public advocates, the right to questioning, commissions of inquiry, and so on. anti-discrimination law
<b>Build on existing constitutional provisions</b>	AR 2 The right to be in the condition of evaluating the information we receive so that we can select truth from falsehood as much as possible	right to education (provision must be redefined so as to enable people to judge and pursue the truth)
<b>Build on manifesto rights already included in international charters and conventions</b>	AR4 The right to access a reliable scientific apparatus and reliable epistemic institutions in general  AR 5 The right to live in a social and political culture in which alethic rights are safeguarded  AR6 The right to live in a culture in which truth is a core preoccupation for the private as well as public life of human beings	Creating public organizations which impose alethic constraints public policy monitoring and evaluation, scientific councils and science courts  Connect with human rights agenda International Covenant on Economic, Social and Cultural Rights (ICESCR) – drafted by the UN Commission on Human Rights and entered into force in 1976 – includes the right to culture.

As to AR4, its realisation crucially depends – even more than in the case of AR2 – on the production of an output: good quality credibility institutions. Rather than an explicit subjective right, AR4 can be realised through an explicit obligation (or at least effective incentives) for the government to establish (or facilitate the establishment) of alethic institutions. Establishing an institutional obligation is already used in relation to certain fundamental rights. For example, when it comes to cultural rights, the EU

Charter states that “The Union shall respect cultural, religious and linguistic diversity” (art. 22). The final good of individual autonomy in the three domains is pursued by imposing a duty instead of recognising an individual right.

For the two alethic rights that belong in the cultural sphere (AR5 and AR6), it is not easy to find a connection with the existing institutional status quo. Perhaps the most promising strategy is a connection with the framework of human rights. Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – drafted by the UN Commission on Human Rights and entered into force in 1976 – establishes the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and of its applications. Reference to science and scientific freedom may indeed connect the ICESCR to AR6 and AR5 – provided that culture and science are defined in alethic terms.

### ***Conclusion***

Watson’s and D’Agostini’s right based perspective gives a precious contribution for understanding the harmful implications of ongoing “post-truth” trends and for outlining possible strategies of response. Rights are formidable weapons to empower individuals vis-à-vis the harms that collective life inevitably generates. Today, falsehood and communicative manipulations have become a novel threat for individual autonomy and freedom. There is a pressing need to invent and establish effective “trumps” against such threat.

In order to cross the line between the academic and the practical sphere, the right-based perspective needs however to develop creative prescriptions on how to actually change the institutional status quo. In other words, the theory of epistemic/alethic rights must cast a bridge towards political actors and motivate them to give rise to a new politics of rights, capable of defending and if possible enhancing the alethic quality of democracy.

### ***References***

Agnafors, M. (2013), “Quality of Government. Toward a More Complex Definition”, *American Political Science Review*, CVII, 3, pp. 433-445.

Battaly, H. (ed.) (2018), *The Routledge Handbook of Virtue Epistemology*, New York: Routledge.

D’Agostini, F. (2021), “Alethic Rights: Preliminaries of an Inquiry into the Power of Truth”, *Social Epistemology*, 35, 5, pp. 515-532, DOI: 10.1080/02691728.2021.1919236.

D’Agostini, F. and Ferrera, M. (2019), *La verità al potere. Sei diritti aleatici*, Torino: Einaudi

Diamond, L. and Morlino, L. (eds), (2005), *Assessing the Quality of Democracy*, Baltimore: Johns Hopkins U.P.

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- Ferrajoli, L. (2004), *La sovranità nel mondo moderno*, Roma-Bari: Laterza.
- Patterson, O. (2014), "Making Sense of Culture", *Annual Review of Sociology*, 40, pp. 1-30.
- Rothstein, B. (2001), *The Quality of Government*, Chicago: The University of Chicago Press.
- Sen, A. (1981), *Poverty and Famines. An Essay on Entitlement and Deprivation*, Oxford: Clarendon Press.
- Walzer, M. (1994), *Thick and Thin: Moral Argument at Home and Abroad*, Notre Dame: University of Notre Dame Press.
- Watson, L. (2015), "What Is Inquisitiveness", *American Philosophical Quarterly*, 52, 3, pp. 273-288.
- Watson, L. (2021), *The Right to Know. Epistemic Rights and Why We Need Them*, London: Routledge.