

The Right to Know: Response to Commentaries

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Abstract: In this short piece, I am pleased to respond to four commentaries on my book, *The Right To Know: Epistemic Rights and Why We Need Them*, provided by D'Agostini, Ferretti, Croce, and Ferrera. Each commentary challenges the theory and practical implementation of epistemic rights presented in the book in importantly different ways and I seek to address some of the criticisms and recommendations made by each of the commentators.

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All four commentaries of *The Right To Know: Epistemic Rights and Why We Need Them* (Watson, 2021) share the common virtue of highlighting important criticisms and areas for development and expansion of the theoretical ground covered in the book. I am hugely grateful for this as there are undoubtedly gaps and oversights. A key aim of writing the book was to provide terminological and conceptual foundations for a deeper examination of both the theory and practical applications of epistemic rights and all four commentaries do precisely this. Furthermore, each commentary challenges the theory in importantly different ways. Of course, with limited space, I am not able to address all of the important points raised in the four commentaries but I nonetheless hope to do justice to significant aspects of each in this reply.

D'Agostini takes up the central question addressed in the final chapter of the book (which also serves as a primary target of the book as a whole), namely, 'why do we need epistemic rights?' She presents a key criticism of epistemic rights, not addressed in the book, stemming from an epistemological perspective that she terms 'anti-democratic epistemology'. At the heart of this criticism is the claim that "everyone has a 'right to know' is the problem and not the solution of E-crises [epistemic crises]" (p. 113). In other words, promoting and protecting equitable access and distribution of epistemic goods via epistemic rights may cause more harm than good in our overall epistemic ecosystem. For instance, while one might be tempted to think that the availability of vast amounts of information concerning the health risks of Covid-19 serves to promote and protect epistemic rights, in fact the existence and accessibility of this information has resulted in an impenetrable 'infodemic' with, as D'Agostini observes "explosive effects on the management and distribution of E-goods" (p. 114).

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Thus, the apparent ‘democratisation of knowledge’ has served to hinder rather than advance both democratic and epistemic goals and values.

As D’Agostini notes, this is not a critical perspective that she herself shares, given her own important work on the concept of alethic rights. Nonetheless, I am grateful for the opportunity to briefly address this criticism which, to my mind, misses its target. There is, after all, nothing in the epistemic rights framework presented in the book to suggest that the existence of epistemic rights entails that the mere presence of ‘more epistemic goods’ (a la the Covid-19 infodemic) equates to a healthier epistemic ecosystem, even if there is a limited sense in which everyone has a right to such goods. Analogously, the claim that everyone has a right to property does not equate to the claim that everyone has a right to all property. Rather, it indicates that there are rights regarding property that everyone is, in principle, entitled to. Likewise, the claim that everyone has epistemic rights does not amount to the claim that everyone, everywhere should have access to the same epistemic goods. Rather, it indicates that there are rights regarding epistemic goods that everyone is, in principle, entitled to.

Thus, the criticism from anti-democratic epistemology appears to mistake the complex role that epistemic rights actually serve for the simplistic role of merely promoting the spread of epistemic goods to all. But, just as D’Agostini observes, the latter in the case of Covid-19, has had “explosive effects on the management and distribution of E-goods” (p. 114). Such effects are precisely what the existence of (recognised and enforceable) epistemic rights would serve to mitigate. Epistemic rights promote and protect the quality, access, and distribution of epistemic goods. This includes, for example, controlling the harmful spread of vast amounts of information.

This point is amplified by Ferretti who highlights the significance of distributive justice in the case of epistemic rights. Ferretti observes that the notion of epistemic rights presupposes “a certain normative idea of the distribution of epistemic goods” and asks “What principles guide that distributive ideal?” (p. 119). This is a vital question to move the discussion of epistemic rights beyond the largely theoretical ground explored in the book into the domain of practical implementation. What can the framework of epistemic rights tell us about how such rights should be assigned to individual right-holders? Chapter Two – ‘Who has epistemic rights?’ – is intended to lay the groundwork for answering such complex questions concerning distributive justice but it is merely a starting point from which to approach the myriad practical issues that arise. These issues are also at the heart of the criticism from anti-democratic epistemology, which can be reframed as a warranted provocation to spell out the details of the distributive principles that will secure the promotion and protection of epistemic rights.

As Ferretti makes clear, this includes rights both to access and to conceal epistemic goods “as in the case of rights protecting privacy or state secrets” (p.118). Ferretti suggests that the latter are not covered by the freedom to ‘seek, receive, and impart information’, as per Article 19 in the *UN Declaration of Human Rights*, discussed in the book (p. 36). It is worth mentioning that, to my mind, the stated declaration does include such negative rights. In particular, I interpret the right to impart information as a right (in principle) to decide *whether or not* to impart information (entailing the corresponding negative duty not to access information that is rightfully withheld).

However, it is easy to see how the wording of Article 19 (and similar articles) could be interpreted more narrowly and exclusively in relation to the positive rights of access and distribution (entailing only the corresponding positive duties to provide information). I note this in part because it serves once again to highlight the significance of Ferretti's comments concerning the necessity of a clear and detailed set of principles governing the just distribution of epistemic rights. Such principles must take into account both positive and negative rights and the corresponding duties.

Further clarity on two distinct issues is sought by Croce. In both cases, I am grateful for the challenge to sharpen my own understanding and articulation of key issues pertaining to epistemic rights. First, Croce addresses the distinction between the epistemic and the moral. As he notes, I maintain in the book that the epistemic domain can be held apart from the moral domain and that the norms in each domain may be seen to play distinct roles in the case of epistemic rights (p. 18). That these domains are, in some sense, distinct seems right to me, and Croce appears to agree. However, he rightly draws attention to a flaw in the application of this distinction to the case of epistemic rights where I suggest that moral norms may be those that justify rights to information and epistemic norms those that justify rights to true information. In fact, based on Croce's criticism, I consider this analysis to be mistaken and can see that the distinction between rights to information and rights to 'true' information in this example is particularly unhelpful. It was an underdeveloped proposal in the book and I am glad to have an opportunity to acknowledge that. There is not space here to offer an alternative proposal concerning the proper roles of these distinct domains in the case of epistemic rights (any such proposal would inevitably be underdeveloped itself!) That said, Croce offers an outline of such a proposal that seems to me to be well worth further consideration.

The second criticism Croce raises pertains to the 'abuse of perceived epistemic authority' [AOPEA], conceived of as an epistemic rights violation in the book. Croce agrees that AOPEA constitutes an "underestimated and particularly harmful form of epistemic rights violation" (p. 125), but argues that the conditions determining when and how this constitutes a violation are problematically underspecified. Once again, I take his criticism to be precisely on target; as it stands, AOPEA fails to accurately apportion accountability in the kinds of cases that Croce describes. In the book, I explicate AOPEA as follows: "Abuse of perceived epistemic authority is possible in any situation where an individual or organisation is perceived as an epistemic authority on a given subject" (p. 51). The aim is to ensure that this violation covers cases in which an individual or organisation is not in fact an epistemic authority but is nonetheless rightfully held accountable for taking advantage of the perception that they are. This is the situation in the Purdue Pharma case. However, as Croce argues, the explication ultimately captures too much.

A superficial (but not entirely ineffectual) fix is available in the first instance by simply adding the word 'reasonably' in front of the word 'perceived'. Regarding the Purdue Pharma case, I note in the book, "As a major global producer of pharmaceuticals, Purdue Pharma can reasonably be perceived as a source of accurate, reliable and relevant information about its own pharmaceutical products" (p. 52). The word 'reasonably' in this sentence is doing more work than I had previously appreciated

and strikes me as a useful addition in elucidating AOPEA. That said, significant work is still required in order to spell out what is meant by ‘reasonable’ in these cases and, once again, I am grateful for this pointer towards a fruitful development of the view.

In fact, I think the call for further specification extends beyond the case of AOPEA. Much as Ferretti draws attention to the need for further analysis of the just distribution of epistemic rights, Croce draws attention to the need for further analysis of unjust epistemic conduct in all cases. It is only by continuing to elaborate and specify the framework in these (and other) respects that will we find the means, including the conceptual and linguistic resources, to effectively enforce epistemic rights and hold those responsible for their violation to account.

Ferrera’s commentary takes up this challenge to implement the concept of epistemic (as well as alethic) rights in practice. He calls for a bridge between theory and practice, realising the potential of epistemic and alethic rights as “formidable weapons to empower individuals vis-à-vis the harms that collective life inevitably generates” (p. 132). In service of this, Ferrera outlines a set of strategies aimed at motivating and empowering political actors to realise the powerful social and political resources available via the recognition and manifestation of epistemic and alethic rights across public and private domains – ‘strategies for citizen empowerment’ (p. 131). These strategies are also given in previous work, jointly authored with D’Agostini (D’Agostini and Ferrera, 2019).

In my view, each of these strategies, and the theoretical groundwork underlying them, deserves detailed and careful examination by anyone interested in the concept of epistemic rights or invested in the promotion and protection of epistemic communities and institutions. One promising avenue for further work, inspired by Ferrera’s commentary, concerns mapping existing epistemic rights onto the ‘process of production’ that he describes. For example, one should be able to map the emergence of US right to know laws concerning the existence of harmful chemicals in workplaces and communities, discussed in the book (p. 54). These somewhat mundane sounding laws have a rich and important history originating in the dynamic environmental activism of the 1960s. Advancing from grassroots political demand through to full legal manifestation and corresponding litigation, these rights to know appear to have progressed through all four quadrants of Ferrera’s process of production.

Mapping this progression in detail, with each stage of the process of production in mind, may offer valuable insights into the mechanisms and methods required in order to advance other epistemic rights at earlier stages of production and shed light on those not yet identified as the subject of political demand at all. One might, for example, look to the fast-evolving debate concerning communications rights and digital rights, and seek to both track and positively influence the development of these rights according to the picture outlined in Ferrera’s commentary (and in previous work). This detailed mapping of existing epistemic rights would, I think, contribute to the identification of further strategies for citizen empowerment, and thereby for the promotion and protection of epistemic and alethic rights.

One final point worth making concerns the relationship between epistemic and alethic rights, discussed by both D’Agostini and Ferrera (D’Agostini and Ferrera, 2019;

D'Agostini, 2021). As D'Agostini notes, the account of the epistemic that I offer in the book is broad, referring to a collection of states or goods pertaining to the concept of knowledge, including information, understanding, justification and truth (p. 13). As such, alethic rights understood simply as 'rights related to truth', appear to me to constitute a sub-category of epistemic rights much like rights to information or understanding. However, following a subsequent and rich exchange with D'Agostini¹, it is clear that the notion of alethic rights cannot be simplistically reduced to the notion of 'rights to truth' without an appreciation of the deeper and more complex concept of *aletheai*.

In their commentaries, both D'Agostini and Ferrera do much to explicate that concept and so to further my own (and no doubt others') understanding of the relationship between epistemic and alethic rights. It remains unclear to me if *aletheai* is an epistemic good and thus, if it should retain a place within the epistemic rights framework, which includes all 'rights concerning epistemic goods'. Perhaps, however, *aletheai* falls outside the domain of epistemology. If so, the relationship between *aletheai* and epistemology, and truth theories and epistemology more generally, represents an exciting avenue for further contemplation and discussion.

Such discussion is worth having for at least two reasons. First, to understand the relationship between existing legal and moral rights in the epistemic and/or alethic domain. These include, as D'Agostini highlights, rights to truth as recognised in the context of international justice, and the many epistemic rights (often called 'rights to know') that exist in different political and legal contexts across the world, as discussed in the book (primarily in Chapter Four). Second, a significant aim of the book is to provide a broad theoretical framework in which a unified class of rights can be identified. This unification serves the further aims of promoting and protecting epistemic rights in a clear and consistent manner. Establishing the place of alethic rights in relation to this unified class of rights, perhaps, as D'Agostini suggests, in some kind of primacy relation, will certainly advance that cause and, therefore, the common cause of promoting and protecting the epistemic ecosystem from a rights-based perspective.

Notes

¹ <https://social-epistemology.com/2021/07/19/response-to-franca-dagostinis-alethic-rights-preliminaries-of-an-inquiry-into-the-power-of-truth-lani-watson/> [Accessed: 13 Feb 2023].

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