

# Epistemic Rights, Moral Rights, and The Abuse of Perceived Epistemic Authority

MICHEL CROCE\*

*Abstract:* This contribution discusses two aspects of Watson's account of epistemic rights: namely, the nature of epistemic rights, and a particular form of epistemic rights violation that Watson calls the abuse of perceived epistemic authority. It is argued that Watson's take on both aspects is unsatisfactory, and some suggestions for an alternative view are offered.

*Keywords:* Epistemic rights, Moral rights, Epistemic and moral normativity, Epistemic authority, Rights violation.

Lani Watson's book *The Right to Know: Epistemic Rights and Why We Need Them* is a much-needed contribution to the discussion across ethics and epistemology, which paves the way for a new debate about our epistemic and moral rights. In this short reply, I focus my attention on two aspects of Watson's view that, in my opinion, are still in need of clarification: the nature of *epistemic* rights, and a particular form of epistemic rights violation that Watson calls *the abuse of perceived epistemic authority*. Before addressing these issues, I shall briefly summarize three main points of Watson's account of epistemic rights, with no expectation of providing a comprehensive picture of her view.

Firstly, the definition of epistemic rights. According to Watson, *rights* mandate actions and omissions that aim at protecting right-holders from harm (Watson, 2021, p. 7). Rights do so by placing constraints on our behavior for the sake of the right-holders' wellbeing. Epistemic rights are complex entitlements that provide "justification for the performance and prohibition of actions and omissions concerning epistemic goods" (p. 15). In short, what makes them *epistemic* rights is their concern with epistemic goods, namely goods related to the domain of inquiry, broadly conceived. For example, patients have an epistemic right (not) to be informed about their conditions, customers have an epistemic right to know the price of a set menu at the restaurant, and students have an epistemic right to be helped in understanding math and history.

Secondly, one might ask whether epistemic rights are a novel class of rights, distinct from legal and moral rights. Watson answers that epistemic rights are also legal/moral rights because the very concept of a right cannot be separated from the moral/legal domain. In her own words, "once you attach the epistemic to the notion

---

\* Università degli Studi di Genova.

of rights, you enter the moral domain” (p. 19). To stress this point, Watson draws an analogy between epistemic rights and property rights. Property rights form a distinct and unified class of rights because they are rights concerning property, and yet nobody would doubt their status of legal/moral rights. Similarly, epistemic rights form a distinct and unified class of rights because they concern epistemic goods, but this is no reason to dispute that they are legal/moral rights as well.

Finally, the justification of epistemic rights. Watson accepts the status view of the justification of rights according to which, in general, rights are justified by the final value of right-holders, as they express the worth of the person who possesses them (Kamm, 2007). Each class of rights expresses the final value of right-holders in a particular domain. Property rights are “justified by the final value of right-holders in the domain of property” (Watson, 2021, p. 18) and epistemic rights are “justified by the final value of right-holders in the epistemic domain” (p. 17). Nonetheless, since the notion of a right belongs to the moral domain, Watson is committed to claiming that “the final value of right-holders, in whatever domain, is moral” (p. 18). Hence, though each class of rights is justified by the final value of right-holders in the respective domain, any right is a marker of moral status.

### ***1. On the distinction between the epistemic and the moral***

Watson’s considerations about the relationship between epistemic rights and moral rights elicit an important question, that she addresses at the beginning of the book: Does the epistemic domain, in her view, collapse into the moral domain? Watson answers this question in the negative: these domains are still distinct as the epistemic domain is regulated by epistemic norms that cannot reduce to moral norms. To support this answer, she considers a case in which we are being tested for diabetes at the hospital. In her view, moral norms justify our right to receive information about our blood sugar levels, whereas epistemic norms mandate that our right is to *true* (rather than false) information (p. 18).

Although I agree that the epistemic domain should be kept as distinct as possible from the moral domain, I shall argue that Watson’s example fails to support her view as it provides a wrong analysis of the moral and epistemic norms at play. In particular, it is unclear to me why moral norms should stop at the level of justifying an indefinite right to acquire information about our blood sugar level, whereas epistemic norms specify that our right is to true information rather than false information. Watson’s claim seems to entail that, from a moral standpoint, we have a right to receive some information about our blood sugar level, but *only* from an epistemic standpoint we do have a right to receive *true* information about it.

This counterintuitive claim follows from Watson’s distinction between the right to receive information and the right to receive true information. If such a distinction could be drawn, then the former right would amount to the right of being fed with any sort of information, including false and inaccurate information. This would be bad news for Watson, as nobody would contend that we have a right to be misinformed

about our blood sugar level. But then, if we agree that there is no real distinction between the above rights, it looks as though epistemic norms are left with no role to play in Watson's framework. Since the most plausible way to make sense of our moral right to be informed about our blood sugar level is to say that we have a right to *know* the results of the test, moral norms prove able to do all the required work to justify this right and therefore leave no conceptual space for an (allegedly distinct) epistemic right.

I do not know whether and how Watson could solve this dilemma, but I want to sketch an alternative strategy to defend the claim that epistemic rights do not collapse into moral rights and keep the intellectual domain distinct from the moral one. Instead of distinguishing between a moral right to receive information about our blood sugar level and an epistemic right to receive *true* information about it, I suggest drawing a distinction based on the relevance of that information for our wellbeing. On this approach, we have an *epistemic* right to know our blood sugar level because acquiring relevant information directly increases our epistemic well-being. But we also have a *moral* right to know our blood sugar level because acquiring this information compensates us for being tested and allows us to take action to preserve or improve our health.

As far as I can see, this alternative diagnosis of the clinical testing example fares better than Watson's original diagnosis. Instead of appealing to the counterintuitive distinction between the right to information and the right to true information, the proposed diagnosis relies on a distinction between our epistemic and non-epistemic wellbeing, which sits well with the idea that rights are justified by the final value of right-holders insofar as we concede that their final value might involve both an epistemic dimension and a moral one.

## ***2. On the abuse of perceived epistemic authority***

Let's now move on to the *abuse of perceived epistemic authority* (henceforth, AOPEA) and briefly illustrate the main components of this notion. A perceived epistemic authority, according to Watson (p. 51-ff.), is a person or an organization that someone perceives as an epistemic authority, regardless of whether they are one. For AOPEA to occur, an individual must assign greater credibility to information provided by the perceived epistemic authority than it actually deserves, and do so for the reason that they are perceived as an epistemic superior<sup>1</sup>. When this happens, the individual's right to grant extra credibility to the perceived authority is violated.

Watson's central example of AOPEA is the case of Purdue Pharma, a pharmaceutical company that has spread false information about its opioid-based painkiller, OxyContin, claiming that it was more effective and had fewer side effects than other opioids. In Watson's view, Purdue Pharma has committed AOPEA because it let its salespersons share this false information with doctors who had every reason to believe that the company was an epistemic authority on its own pharmaceutical product. As a result of assigning greater credibility to information provided by Purdue

Pharma's salespersons, not only the doctors have been harmed by the company's manipulative marketing strategy, but they also harmed their patients by sharing false information about OxyContin with them.

Watson has put her finger on an underestimated and particularly harmful form of epistemic rights violation. However, I have two concerns with how AOPEA is defined. The first worry is that her account *asks too much of the perceived epistemic authority*. The Purdue Pharma example works just fine as it involves an institution that is widely seen as an epistemic authority on its own products. Yet, Watson's definition of AOPEA does not seem to presuppose that the source of information is widely taken to be an epistemic authority. All that matters for A to be a perceived epistemic authority for B is that B *perceives* A as better epistemically positioned than B is in a given domain. But since A might well be unaware that B considers A to be an epistemic authority, it looks odd to say that, by giving testimony, A might be violating B's epistemic right. A's only "fault" would be failing to inform B that A is not to be assigned greater credibility when A might not even know that B is going to do so.

Consider the following example. Suppose Marta meets a successful financial advisor, Zam, at a party and starts chatting with him about our difficult times. Marta heard about Zam's job in a conversation with some friends, so she finds a way to mention that she is considering investing in the defense industry, in an attempt to lure him into giving financial advice. Zam has no idea that Marta knows his job and replies that green energy companies are the future. Based on Zam's testimony, Marta changes her mind and invests in these companies but starts losing money.

I think most people would agree that Zam bears no responsibility for Marta's financial loss, as he did not know that she was going to take his words as a piece of advice and did not specify for how long one should invest in the sector before making profit. Oddly enough, though, in Watson's view, Zam fulfils the conditions of AOPEA, which merely require that Marta sees him as an epistemic authority in the financial domain and, based on her perception, assigns greater credibility to his words than they deserve. The example should suffice to show that Watson's view puts too heavy a burden on the perceived epistemic authority's shoulders. In general, for B to have an epistemic right to assign greater credibility to A's words, it seems reasonable at least to expect that A is aware that B is going to consider A as an epistemic authority.

The second worry I have with Watson's account is that it *asks too little of the right-holder*. Here I am concerned with situations in which one has no good reasons for considering someone as an epistemic authority. Suppose Marta sees James as an epistemic authority on financial matters simply because, unlike her, James is used to letting a financial advisor invest his savings. They are having a chat about investment plans, and James claims that cybersecurity companies are among the best stocks to buy right now. After their chat, Marta starts investing in these companies and loses money.

Again, in Watson's view, James can be accused of AOPEA insofar as Marta perceives him as an epistemic authority. Intuitively, though, James should bear no responsibility for Marta's financial loss, as he is no expert in finance and did not suggest that she does as he said. I think many would agree that Marta has no right to assign greater credibility to James' words because she lacks evidence that he is

an epistemic authority in financial matters. The example should suffice to show that Watson's view demands too little of the right-holder. In general, for B to have an epistemic right to assign greater credibility to A's words, it seems reasonable to expect that B has good reasons to perceive A as an epistemic authority. Surprisingly enough, the right-holder's reasons play no role in Watson's account of AOPEA.

In conclusion, Watson is right in pointing to abuses of epistemic authority as a pernicious form of epistemic rights violation, but I believe that her account of AOPEA overgeneralizes. On the one hand, charging someone with AOPEA at least requires that they are aware of being taken as epistemic authorities. On the other, some constraint is needed to avoid granting an epistemic right to someone who misplaces attributions of epistemic authority.

### **Notes**

<sup>1</sup> See Croce (2019) for further clarifications on the difference between the terms 'expert' and 'epistemic authority'.

### **References**

Croce, M. (2019), "On What It Takes to Be An Expert", *Philosophical Quarterly*, 69, pp. 1-21.

Kamm, F. (2007), *Intricate Ethics*, Oxford: Oxford U.P.

Watson, L. (2021), *The Right to Know: Epistemic Rights and Why We Need them*, London: Routledge.