
PARENTAL RIGHTS LEGISLATION AS EROSION OF EPISTEMIC AGENCY

Martha Perez-Mugg
University of Illinois, Urbana-Champaign

Recent polling shows a marked increase in public distrust towards institutions and fellow citizens in the United States.¹ In this context of rising distrust and democratic crisis, teachers have not been exempt from public scrutiny.² Recent legislation in the United States targeting school curricula and classroom discourse reveal a mounting distrust within the context of public education. In fact, over the course of the past few years, an onslaught of parental rights bills have been introduced across the United States. Yet, parental rights bills have a long-standing history in the United States that originated in several landmark court cases.³ And, as Bryan Warnick notes, in the years between 1978 and 2005, a majority of important legal cases involving schools involved parents' rights in some way.⁴ Parents have long contested the role of schools in shaping the views and experiences of children and called into question the compulsory nature of public education.

In the current context, much of this legislation has emerged as resistance to the teaching of Critical Race Theory in schools; forty-two states have introduced bills seeking to limit the teaching of historical content as it relates to sexism, ablism, racism, and other state sanctioned forms of oppression perpetuated throughout history.⁵ In addition, more than a dozen states have introduced legislation intended to restrict discussion of gender identity and sexuality in classrooms, frequently labelled "Don't Say Gay" bills.⁶ While these

¹ Lee Rainie and Andrew Perrin, "Key Findings about Americans' Declining Trust in Government and Each Other," *Pew Research Center*, July 22, 2019; "Public Trust in Government: 1958-2022," *Pew Research Center*, June 6, 2022. <https://www.pewresearch.org/short-reads/2019/07/22/key-findings-about-americans-declining-trust-in-government-and-each-other/>

² Anna Merod, "As Public Trust in Teachers Declines, How Can Districts Turn the Tide?" *K-12 Dive*, December 2, 2021. <https://www.k12dive.com/news/as-public-trust-in-teachers-declines-how-can-districts-turn-the-tide/610837/>

³ Some widely discussed cases include *Mozert v. Hawkins County Board of Education* in 1987 and *Wisconsin v. Yoder* in 1972.

⁴ Bryan Warnick, "Parental Authority over Education and the Right to Invite," *Harvard Educational Review* 84, no. 1 (2014): 53–71.

⁵ Sarah Schwartz, "Map: Where Critical Race Theory Is Under Attack," *Education Week*, Updated September 28, 2022. <https://www.edweek.org/policy-politics/map-where-critical-race-theory-is-under-attack/2021/06>

⁶ Dustin Jones and Jonathan Franklin, "Not Just Florida. More than a Dozen States Propose So-Called 'Don't Say Gay' Bills," *NPR*, April 10, 2022.

bills explicitly aim to restrict the content of classroom discussions, seventeen state legislatures have also aimed to create greater “transparency” around what educators do in their classrooms through the introduction of “curriculum transparency bills” that require schools to publicly post instructional materials.⁷ These bills raise important questions about trust in the context of public education and classrooms as spaces of knowledge consumption and production.

Much of the philosophy of education literature regarding parental rights legislation has aimed to understand the nuanced relationship between the rights of parents and the rights of children.⁸ And while this is an important aspect of the philosophical debate, epistemic questions have been left undertheorized. As classrooms and schools are primarily places of learning, where students are often considered learners first, it is important to consider the epistemic dimensions present in the debate over parental rights.⁹ As students are fundamentally present within school contexts in order to learn important content and acquire social skills, it is pertinent to recognize that students enter classroom spaces as learners and knowers as their fundamental role within the school. Throughout the course of this paper, I aim to apply two lenses to the issue of parental rights bills and the challenge that they pose in epistemic spaces. First, I examine parental rights bills through the lens of epistemic agency. In doing so, I argue that parental rights bills intervene in epistemic spaces by stripping students of the epistemic agency required for appropriate development as believers and by limiting students’ ability to exercise their own agency over what they choose to believe. One way that I articulate this is through the lens of “pre-emptive silencing” as a facet of epistemic injustice.¹⁰ In addition, I apply the lens of epistemic authority to the issue and argue that parental rights legislation can be viewed as a challenge to schools’ epistemic authority insofar as it intervenes into the trusting relationship between teachers and their students. Moreover, I suggest that this dismantling of epistemic authority intervenes into the student-teacher relationship, which requires trust to flourish and, in turn, further infringes upon students’ development of epistemic agency. I conclude that parental rights bills perpetuate epistemic injustice against students in that they constrain which epistemic resources are made available to them and subsequently limit their flourishing as epistemic agents.

<https://www.npr.org/2022/04/10/1091543359/15-states-dont-say-gay-anti-transgender-bills>.

⁷ Laura Meckler, “New Transparency Bills Would Force Teachers to Post Instructional Materials,” *The Washington Post*, March 2, 2022.

<https://www.washingtonpost.com/education/2022/03/02/transparency-curriculum-teachers-parents-rights/>

⁸ For example, see Warnick, “Parental Authority over Education,” 53–71.

⁹ Monika Platz, “Trust Between Teacher and Student in Academic Education at School,” *Journal of Philosophy of Education* 55, no. 4–5 (2021): 688–697.

¹⁰ Jose Medina, “Hermeneutical Injustice and Polyphonic Contextualism: Social Silences and Shared Hermeneutical Responsibilities,” *Social Epistemology* 26, no. 2 (2012): 201–220.

 RESTRICTIONS ON EPISTEMIC AGENCY AS EPISTEMIC INJUSTICE

Epistemologists have long debated the methods that subjects use in order to formulate beliefs, debating the moral, social, and epistemic dimensions of belief acquisition. Feminist epistemologists, in the past few decades, have driven discussions of how social practices and contexts impact belief formation and have examined the implications that social contexts have for the epistemic subject.¹¹ At the intersection of discussions regarding the moral and epistemic dimensions of belief acquisition is situated the complex concept of epistemic agency, which Kristie Dotson defines as “the ability to utilize persuasively shared epistemic resources within a given epistemic community in order to participate in knowledge production and, if required, the revision of those same resources.”¹² This capacity for knowers to both utilize and reform epistemic resources has a meaningful impact on the development of subjects as knowers and also supports the development of knowers as agents.

As Eddin suggests, feminist epistemologists have developed a notion of epistemic agency that is uniquely social, noting: “Among others, Lynn Hankinson Nelson (1990), Helen Longino (1990), Heidi Grasswick (2004), and Gaile Pohlhaus Jr. (2012) have explored the idea that we inform ourselves by gearing into communal structures and arrangements that contribute concepts, standards of evidence, acceptable presuppositions, and opportunities for testimonial sharing of information and dialogic exploration and questioning.”¹³ This act of engaging in a communal structure as an exercise of epistemic agency serves as the basis for understanding how agency and action lead to success as an epistemic agent. Exercises of agency in an epistemic community can be described as a moral foundation for how we formulate beliefs and act as epistemic subjects among others. Eddin articulates this idea as such:

If the value of knowing is the value of exercising epistemic agency, then given the way human agency and human epistemic agency work, that’s going to be the value of participating in appropriate ways in social practices and structures and systems surrounding the acquisition, propagation, and mobilization of true beliefs. Feminist work both in social epistemology and on relational accounts of agency and autonomy connects the value of agency (epistemic and otherwise), and thus the value of knowledge, to participation in such practices and structures and systems.¹⁴

¹¹ For an example see Kristie Dotson, “A Cautionary Tale: On Limiting Epistemic Oppression,” *Frontiers: A Journal of Women Studies* 33, no. 1 (2012): 24–44.

¹² Dotson, “A Cautionary Tale,” 24.

¹³ Aron Eddin, “Epistemic Agency and the Value of Knowledge and Belief,” *Feminist Philosophy Quarterly*, 8, no. 1 (2022): 7.

¹⁴ Eddin, “Epistemic Agency,” 7.

This situates the locus of agency and value in the subject's ability to appropriately act within the social structure and community as well as the agent's ability to use their resources appropriately to formulate beliefs.

This model of epistemic agency can be mapped onto the context of the classroom where students navigate complex debates and epistemic ecosystems through the use of their own epistemic resources. Within the classroom, students encounter a variety of viewpoints, sources, and other epistemic subjects who offer different epistemic resources that they must navigate. A school's ability to foster this environment serves as an important aspect of its ability to offer appropriate learning opportunities for students. And further, the student's ability to navigate this environment successfully speaks to their own developing epistemic agency. In this way, we might consider the development of epistemic agency as a central feature of schooling itself. And subsequently, limitations of opportunities for students to develop their own epistemic agency might be viewed as both moral and epistemic failures on the part of the school system.

As epistemic agency is a key feature of knowledge acquisition, students who are limited in their ability to exercise agency in epistemic environments are harmed as agents. As described earlier in this section, when students navigate epistemic environments, they are required to engage in a variety of communal structures (contributing to concepts, sorting through standards of evidence, questioning and dialogue).¹⁵ One way that students develop agency within the communal structure of the classroom is through practice and modeling. Yet, the impetus behind parental rights bills is arguably to shield students from the exercise of epistemic agency in particular domains (for example, conversations around gender identities). Through the preemptive removal of epistemic resources from classroom environments, students are deprived of the opportunities required to exercise their own agency. This has detrimental impacts on the student and infringes upon their ability to develop as an agent. As Eddin suggests, individuals' agency is limited when they are unable to inform themselves in subjects that are relevant to them; this limitation can be viewed as a harm to the agent.¹⁶ This intentional removal of meaningful resources from students' learning environments is detrimental to the development of students' agency, especially when those resources center subjects that are especially meaningful for students (one might argue that this has the greatest impact on marginalized knowers who require access to those restricted resources in order to better understand their own positioning within classroom spaces). Removal of these resources, in particular, constitute an even greater harm to the student because they might be considered disruptive of identity formation.

Students are also harmed epistemically when they are deprived of the ability to exercise their own epistemic agency due to reduced opportunities and access to epistemic structures where they might formulate beliefs and opinions. This harm occurs in two ways. First, students are harmed through the erosion of

¹⁵ Eddin, "Epistemic Agency," 7.

¹⁶ Eddin, "12."

the teacher as an epistemic authority who is able to offer expertise in a particular domain. Next, they are harmed through the reduction of opportunities to access particular epistemic resources that may be critical to their development. For example, elimination of resources that offer information about developing racial, gender, and sexual identities denies students access to resources necessary to make meaning around their own lived experiences. As developing epistemic agents, students navigate through many different environments and are often required to determine which resources to employ based on social and contextual factors. When parents aim to restrict which epistemic resources a student encounters at school (often hoping to ensure that those resources encountered at school align with the resources offered in the home), students are deprived of the opportunity to exercise agency to navigate between different resources. In Eddin's terms, students are weakened when they are unable to inform themselves in relevant ways, limiting their abilities as epistemic agents.

Taken together, I argue, this limitation of students' epistemic agency on both moral and epistemic grounds is an epistemic injustice in the form of epistemic exclusion and silencing. According to Dotson, epistemic exclusion occurs when there "is an infringement on the epistemic agency of knowers that reduces her or his ability to participate in a given epistemic community."¹⁷ As argued earlier, parental rights bills intervene on which concepts and discussions can take place within classrooms thereby reducing knowers' ability to both access certain epistemic resources and develop appropriate epistemic agency. These two elements compound to result in limitations on students' ability to participate in the greater epistemic community (because they lack both the resources required to substantively engage and the requisite skills to navigate meaning making). This is especially problematic when it occurs in the school setting, given that schools serve the primary function in society of providing access to a variety of epistemic resources.¹⁸

As a result, I argue that parental rights bills constitute a type of socially produced silencing that Miranda Fricker labels "preemptive silencing," whereby individuals are "excluded in advance from participating in communicative exchanges."¹⁹ While this type of silencing has been generally described in the context of identity-based prejudicial treatment in the injustice literature, it is arguable here that students are excluded from these exchanges in virtue of their status as students (and perhaps their status as children). Parental rights bills engage in preemptive silencing when they predetermine which content must be excluded from classrooms through legislation, suggesting that particular lines of dialogue are off limits for particular people. This seems to highlight the reality

¹⁷ Dotson, "A Cautionary Tale," 24.

¹⁸ It is important to note here that I implicitly assert the benefits of a pluralistic epistemic environment where access to a variety of resources helps knowers exercise critical thinking and flourish. Due to space constraints within this essay, I am unable to offer a full account of the benefits of this pluralism.

¹⁹ Medina, "Hermeneutical Injustice," 202.

that parental rights bills are ultimately about the *exclusion* of particular epistemic resources rather than the *inclusion* of additional resources. This is harmful for students as it not only removes them from dialogue within the classroom, but also limits their ability to participate in broader conversations in society that are essential for democratic participation and citizenship. In addition, this poses a substantive challenge for schools, which are limited in which of the best possible epistemic resources they are able to make available to students.

Parental rights bills eliminate not only particular epistemic resources from the epistemic environment but intervene on the epistemic communal structure of the classroom through challenges to the epistemic authority of the teacher and school. In what follows, I examine the role of epistemic authority in the classroom and school context, analyzing how erosion of the trusting teacher-student relationship further contributes to the epistemic injustice students face.

CULTIVATING TRUST IN EPISTEMIC CONTEXTS

Theorized in social epistemology as an essential element in the transmission of knowledge in social settings, epistemic authority can be recognized as an important aspect of schooling and the development of students' epistemic agency. In educational psychology, social psychologists have long studied teachers as epistemic authorities, examining the impact that epistemic authority has over student acquisition of content in the classroom.²⁰ More recently, philosophers have expanded conversations around epistemic authority beyond the classroom walls to discussions of knowledge transmission and belief in everyday settings.²¹ For the purpose of this paper, I aim to focus in on teachers as epistemic authorities in terms of their role as transmitters of knowledge to students in the classroom as they serve an important role in the structuring and facilitation of students' epistemic environments.

Teachers require epistemic authority as credible sources of information in the classroom. As sources of knowledge and models for learning, students need to believe and trust their teachers to learn. To this effect, empirical studies have highlighted the link between successful learning outcomes and trust between students and their teachers.²² As a result, teachers have a multitude of important functions as epistemic authorities in their classrooms; they structure the epistemic environment through offering epistemic resources, facilitating testimonial sharing, and offering students acceptable standards of epistemic practice. Teachers also require respect and trust to serve communities and

²⁰ Amiram Raviv et al., "Teachers' Epistemic Authority: Perceptions of Students and Teachers," *Social Psychology of Education* 6 (2003):17–42.

²¹ It is worth noting here that although the concept of epistemic authority predates Zagzebski's 2012 book, I use the conception of epistemic authority outlined by Zagzebski; Linda Zagzebski, *Epistemic Authority: A Theory of Trust, Authority, and Autonomy in Belief* (Oxford University Press, 2012).

²² Sook-Jeong Lee, "The Relations between the Student-Teacher Trust Relationship and School Success in the Case of Korean Middle Schools," *Educational Studies* 33, no. 2 (2007): 209–216.

schools. These features of epistemic authority are both called into question by parental rights bills that take aim at both teachers' cultivation and use of epistemic resources, but also trustworthiness as actors in the epistemic environment. In what follows, I examine the role of trust in the student-teacher relationship and the ways in which degradation of trust limits students' epistemic agency.

One important aspect of epistemic agency is determining which epistemic resources are worthy of integration into one's own belief systems. Within the context of a school, students are consistently faced with a number of different resources that they must navigate. It is often the teacher that serves in the role of supporting students as they navigate different resources and determine which resources they will employ. In order for this to occur, teachers and students must share a trustworthy relationship that allows the teacher to structure learning activities, provide students' feedback on their work, and support students in developing their critical thinking skills. This trust is, I think, partially developed through the epistemic authority that teachers' exercise in their professional roles. Yet, students do not have to automatically accept their teachers as authorities within the classroom. One aspect of students' own exercise of epistemic agency is determining which of the resources presented that they will consider worthy and accept.

As Platz highlights in her research on trust between students and teachers, trust is dependent upon the relationship between students and teachers (it is ultimately relational).²³ She argues that because of this, the trust between teacher and student is ultimately dependent upon the relationship that they have. In cases where parental rights' bills aim at diminishing teachers' epistemic authority in the eyes of students and the broader community one might argue that this intervenes upon the trusting relationship between students (and families) and teachers. By calling into question teacher's motivations and qualifications in selecting epistemic resources, parental rights bills challenge the teacher's epistemic authority and question whether or not teachers are worthy of trust in many ways. For example, the idea that teachers must be monitored consistently in their classroom practices suggests that there is already a distrusting relationship between teachers and the public.

Interventions into the trusting relationship between students and teachers poses a challenge to the teacher's ability to structure epistemic environments, which requires a trusting and open relationship where dialogue can flourish and epistemic resources can be shared. Calls for curriculum transparency and monitoring of teachers also questions the teacher as the source of epistemic standards; bills that ask teachers to post every assignment completed by students and restrict the content available to teachers seem to call into question the teacher's professional judgment and expertise. Teachers rely on trust in order to

²³ Monika Platz, "Trust Between Teacher and Student in Academic Education at School," *Journal of Philosophy of Education* 55, no. 4-5 (202): 688-697.

facilitate testimonial sharing and dialogue within the classroom, to establish uniform standards of epistemic practice, and to help guide students towards epistemic resources that are better than others. Bills that call into question teacher decision-making on a larger scale, in part, intervene into the relationship between teachers and their students because they call into question the motivations and credibility of teachers. Parental rights bills operate under the implicit assumption that teachers have an alternative motivation outside of presenting a multitude of epistemic resources within a classroom (otherwise, why would we worry about the issue at all?). Casting teachers as untrustworthy or partisan precludes students from using their own epistemic agency to determine if the teacher is a worthy epistemic resource.

Yet, these bills also implicitly call into question the epistemic authority of the teachers and school institution. For many, I think, what seems to be at stake in the development of these bills is the teacher's potential to supplant the parent or other institution (church, for example) as a source of epistemic authority. In this way, parents reckon with the reality that within the school context students will face other adults who have been granted epistemic authority in virtue of their positioning as teacher and, therefore, have the possibility of conveying epistemic resources to students that might be accepted as an alternative to the parents' own epistemic resources. Yet, I would argue that formalized education inherently includes this transition away from the parent as a sole source of epistemic resources and towards a shared set of epistemic resources. As children develop as epistemic agents, they must look to a variety of sources as epistemic authorities and learn how to navigate between different, often conflicting, epistemic resources. Legislation that undermines an aspect of schooling that is both inherent to formalized education, but, also, a normal aspect of development for children undermines an essential component of students' epistemic agency.

It is also worth noting that there are many other factors at play in this contemporary dilemma than those I've outlined here. I have chosen to center my analysis around the epistemic dimension of this issue, but there are many other considerations around the dangers of epistemic authority in schools that cannot be ignored. For one, it seems clear to me that these bills are a manifestation of the distrust I noted in the introduction to this paper. Parents within the context of a polarized and distrusting society worry that the other epistemic authorities in their child's life may use the role of authority to engage in indoctrination rather than education.²⁴ This worry is not a new one; worries about indoctrination have been discussed in philosophy of education at length. However, parental rights bills are unique in that they take aim more broadly to not only constrain the

²⁴ The problem of indoctrination has a long history in philosophy of education. For example, see the chapter on Indoctrination in John Kleinig, *Philosophical Issues in Education* (Routledge, 1982). I do not have the space within this paper to cover the issues raised by indoctrination in a substantive way but wanted to note that this seems to be the underlying concern for many parents in these debates.

teachers' ability to teach particular content (which they might deem indoctrination rather than education), but also call into question the trustworthiness of the teacher as a source of epistemic authority altogether.

This might also be a good place to raise the question of whether these bills pose a true challenge to schooling in a democracy. Shouldn't parents have the option to present their own epistemic resources that counter the school's when they feel that the school is teaching propaganda rather than truth? I think that there are some complexities and nuances worth bringing to bear on this question. First, I take one of the aims of schooling to be offering students a uniform set of what we consider our best current epistemic resources as well as the skills and epistemic practices required to navigate many different epistemic environments. In Kuhnian terms, the epistemic resources employed by schools have been cultivated through time and professional networks in various fields to be considered the current best paradigm.²⁵ Moreover, they have been scrutinized and adjusted by state and/or district curriculum teams as well as teacher teams themselves to present the current best resources. This, I think, is what allows us to grant the school institution (and, by proxy, teachers) epistemic authority and trust. The uniformity of shared epistemic resources is a part of what allows us to communicate with one another and fully participate in the democratic process; we share some common understanding and foundational knowledge. Limitations on either the uniformity of resources presented (e.g., in Massachusetts slavery is presented in accordance with our best epistemic resources that are traced to historical records, but in Texas slavery is presented as indentured servitude) or access to particular resources in some communities does impact our ability to deliberate together as citizens.

In addition, the ways in which we go about challenging the epistemic authority of the school and teacher have the potential to result in some substantial consequences for our school systems. If students are taught that teachers are partisan actors or parts of the bureaucratic machine that aim to indoctrinate them, then there will likely be an erosion of the foundational trust required for learning to happen. If we begin to intervene in teacher-student relationships in this way, then students may find that they no longer are willing to accept the teacher as an epistemic authority within the classroom at all. This is not to say that this is inherent when parents offer alternative epistemic resources or question the epistemic authority of the teacher or institution, but rather I'm suggesting that there are ways of questioning epistemic authority that ultimately do erode the trust students have for their teachers.

And lastly, there is one final item that I think is worth noting here: parents always have had and still do have the opportunity to offer alternative epistemic resources and epistemic authorities to their children. Sunday school, online classes and clubs, nightly story time, and numerous other venues offer parents

²⁵ Thomas Kuhn, *The Structure of Scientific Revolutions* (University of Chicago Press, 2012).

the opportunity to present students with alternate epistemic resources that can either challenge or bolster those offered by public schooling. Done in careful and tactful ways, we can offer children many resources to choose from without inherently detracting from students' ability to exercise their own epistemic agency.

CONCLUSION

I have argued that parental rights bills, which have proliferated in the past few years, are a form of epistemic injustice that harm students through the limitation of students' epistemic agency. Because parental rights bills aim to constrain the content shared in classrooms, they limit which epistemic resources can be available to students, which forecloses the possibility of students utilizing their burgeoning epistemic agency within the school context. This limitation on which resources are available, I have argued, can be viewed as a form of preemptive silencing which demarcates which topics are available to students in virtue of their status as students. Further, I suggest that these bills pose an additional challenge to the structure and purpose of schooling by eroding the trusting relationship between students and their teachers. This, in turn, places further strain on students' epistemic agency insofar as it severely limits the number of epistemic resources and authorities available to students.

Education in a democracy requires dialogue, communication across difference, and the possibility that alternative epistemic resources exist. The regulation of classroom dialogue that erodes the schools' epistemic authority and the students' epistemic agency results in epistemic injustice that harms students as agents. While it might be uncomfortable for some parents to have their own epistemic resources challenged, the resulting epistemic injustice that results from preemptive silencing of students is not just harmful to our students but to our very way of life. Democracy can only flourish if its citizens are prepared to know and act within the context of civic life. Parental rights legislation denies students' the opportunity to gather valuable skills that enable important facets of civic engagement.
