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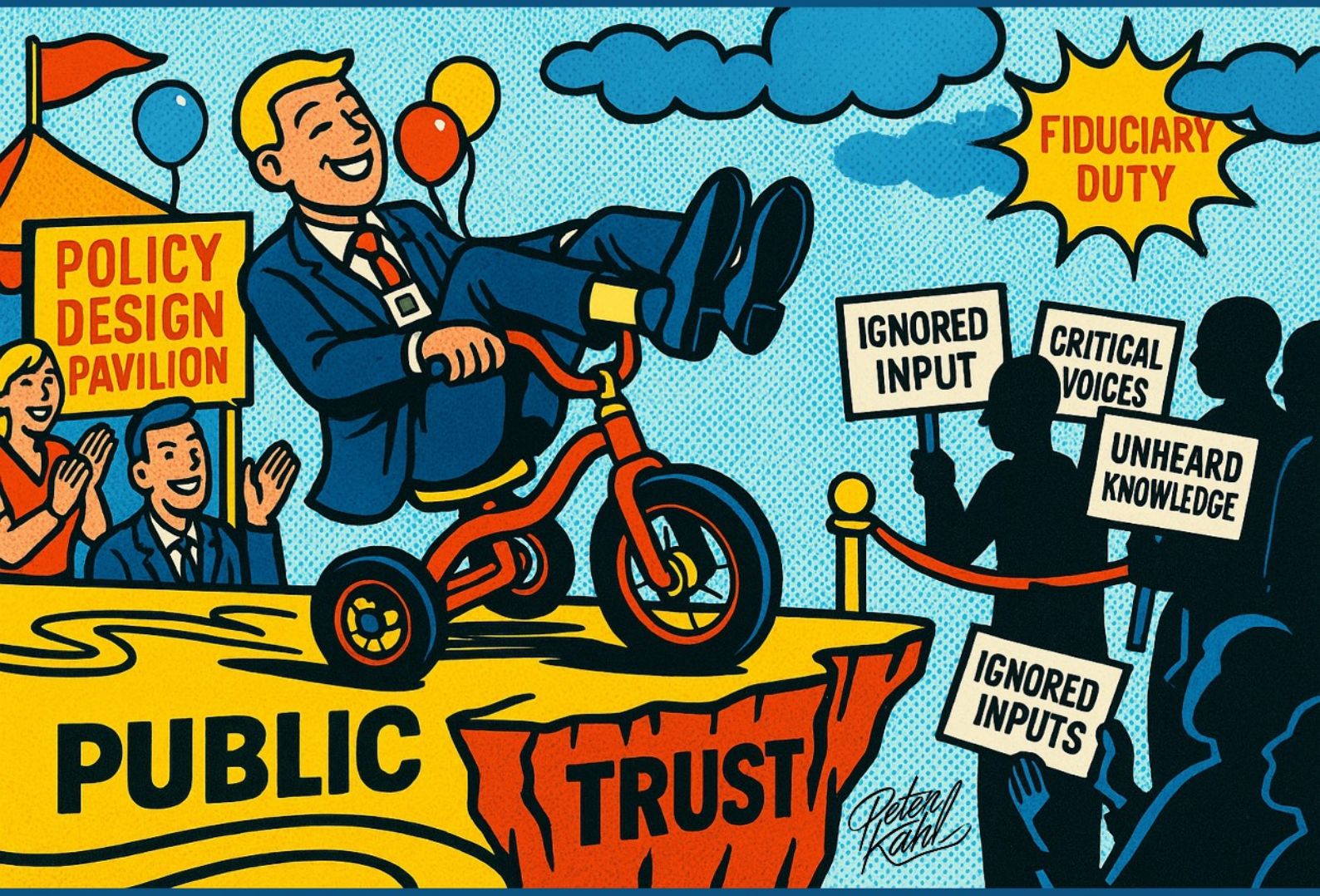

Government Policy Design is a Serious Game

Fairness Duties in Participatory Design as a normative framework for democratic epistemology

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Establishing fairness duties as fiduciary–epistemic principles through the case of UK Civil Service participatory design

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Abstract

This paper examines the UK Civil Service's participatory practices at the London Design Biennale through the lens of *Epistemic Clientelism Theory* (ECT). Drawing on fiduciary law, deliberative democracy, and critical social theory, it argues that the workshops—framed as "serious games"—constituted not democratic innovation but structural breaches of fiduciary–epistemic duty. Participation was curated, scripted, and opaque, producing symbolic inclusion while suppressing dissent and epistemic plurality.

A central contribution of this paper is the articulation of *Fairness Duties in Participatory Design*—notice (*Ridge v Baldwin*), reasons (*Doody*), access (*UNISON*), and proportionality (*Mott*). Transposed from public law into the epistemic domain, these duties specify the obligations institutions owe to citizens when structuring participatory processes. Case law on fiduciary loyalty (*Keech v Sandford*; *Boardman v Phipps*) and fiduciary power in state contexts (*Frame v Smith*; *Guerin v The Queen*) further anchors this framework.

The result is a normative blueprint for reform: *fiduciary–epistemic governance* that embeds transparency, accountability, reflexivity, and democratic co-creation. By integrating jurisprudence with deliberative theory (Habermas, Gutmann & Thompson), the paper advances both doctrinal and democratic innovation, recasting participatory governance not as theatre but as a fiduciary relationship grounded in epistemic justice.

Keywords

epistemic clientelism, fiduciary duties, participatory governance, deliberative democracy, procedural fairness, transparency, accountability, epistemic justice, symbolic capital, communicative rationality, democratic legitimacy

Working Paper Status

This paper forms part of a wider research programme on fiduciary-epistemic governance and will be integrated into my forthcoming monograph *Beyond Epistemic Clientelism*. Readers are welcome to cite it, but please note that revisions are likely as the material is incorporated into the book project.

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1. Introduction

1.1 Context: The Biennale as Showcase

In their blog post 'Taking policy design to a global public audience' (Knight & Morley, 2025), Andrew Knight and Elli-ana Morley celebrated the UK Civil Service's debut participation at the London Design Biennale. They described the pavilion as a milestone, bringing together government designers from across disciplines and showcasing methods—most prominently, 'serious games'—as innovative tools for participatory policy design. Workshops such as the "Serious Game to Save the Planet" invited the public and professionals alike to explore climate challenges through collaborative play. The Civil Service framed this as both an act of transparency and a contribution to global democratic innovation.

At first glance, this narrative appears consistent with deliberative democratic ideals. Habermas (1996) stresses the value of discursive forums where citizens can deliberate as equals, and Knight presents the pavilion as just such a forum. Public participation, he suggests, provides legitimacy, generates shared understanding, and reinforces the Civil Service's role as an open, responsive institution.

Yet situating the pavilion within the Biennale complicates the claim of inclusivity. International cultural exhibitions are stages of prestige, structured to accumulate what Bourdieu (1984) calls symbolic capital. Institutions that exhibit there do so not only to engage, but also to demonstrate authority, competence, and cultural legitimacy. The Civil Service's pavilion must therefore be read as a performance of democratic innovation—a projection of openness staged within a symbolic marketplace of recognition. The choice of venue signals less a commitment to epistemic transformation and more a strategic act of institutional positioning.

1.2 Problematisation: Performative Openness

Closer examination reveals that Knight and Morley's celebratory framing masks a deeper tension. While the pavilion invited broad participation—over one hundred attendees from government, academia, journalism, and design—there is no evidence that these contributions influenced policy decisions. Instead, engagement was highly structured: curated workshops, predesigned games, and thematic framing that constrained the scope of input. What appeared as openness was in fact what I have elsewhere termed performative openness (Kahl, 2025g; Kahl, 2025j)—gestures of inclusion that legitimise institutions without redistributing epistemic agency.

This diagnosis resonates with Fricker's (2007) account of epistemic injustice. Testimonial injustice occurs when speakers' contributions are heard but subtly discredited; hermeneutical injustice arises when interpretive frameworks pre-empt which perspectives can be recognised. Both dynamics are visible here. Participants were offered space to contribute, but the Civil Service's scripts predetermined which inputs could 'count' as relevant knowledge. In effect, epistemic boundaries were drawn in advance, amplifying those who reinforced institutional paradigms and marginalising dissenters.

Foucault (1995) helps clarify how such dynamics operate. Rituals of inclusion, such as participatory workshops, can function as disciplinary practices: technologies of governmentality that normalise behaviour and reproduce institutional order. The serious games Knight praised exemplify this function. They provided a safe, controlled arena for exploring challenges, but within parameters designed to reinforce existing epistemic hierarchies.

From a Heideggerian perspective, this orchestrated participation manifests inauthenticity (*Uneigentlichkeit*). Participants are subtly encouraged to conform to the expectations of *das Man*—the impersonal 'they-self' that dictates norms (Heidegger, 1962). Instead of fostering authentic engagement with complex policy dilemmas, the Biennale pavilion disciplined participants into alignment with institutional scripts.

My earlier work traced this pattern in higher education, where institutions employ symbolic inclusion as a marketing strategy (Kahl, 2025g). Knight and Morley's account of the Biennale pavilion follows the same logic. Public participation is celebrated, but no transparency exists about how such engagement influences actual governance. The result is a curated spectacle: an institutional performance of openness that, in practice, entrenches epistemic exclusion and legitimises Civil Service authority.

1.3 Theoretical Lens: Epistemic Clientelism Theory (ECT)

The problems of performative openness outlined above are not accidental flaws of event design or communication. They exemplify a deeper structural logic that I have conceptualised as *Epistemic Clientelism Theory* (ECT). Originally developed in the context of higher education governance, ECT provides a systematic account of how institutions manage and manipulate epistemic agency (Kahl, 2025c). I define epistemic clientelism as the institutionalised delegation or surrender of epistemic autonomy in exchange for selective benefits such as recognition, symbolic capital, or access to resources.

What appears as collaboration often conceals an economy of epistemic exchange: loyalty and conformity are rewarded, while dissent or heterodox perspectives are marginalised. This dynamic is implicit in what I have elsewhere described as performative openness—public rituals that simulate inclusivity while retaining control over epistemic boundaries (Kahl, 2025g; Kahl, 2025j). When read through the ECT lens, such openness is revealed not merely as superficiality but as a clientelist structure. Contributions are welcomed only insofar as they conform to institutional scripts, and participants are tacitly socialised into aligning with prevailing epistemic frameworks.

Here, Bourdieu's (1984) concept of symbolic capital is instructive: recognition in curated spaces operates as a currency, distributed to those who 'play by the rules' of the institutional game. Similarly, Foucault (1995) described how disciplinary practices structure the very conditions of discourse. Power here is not exercised through coercion, but through the design of participatory arenas where rules of engagement encode institutional assumptions. The serious games Knight championed exemplify this: far from neutral tools of deliberation, they embedded institutional frameworks into the very structure of interaction.

The epistemic marketplace created by such practices is therefore governed by clientelist dynamics. Participants quickly learn that epistemic recognition—being quoted, invited back, or integrated into the Civil Service's design networks—depends on alignment with institutional expectations. Dissent or difference is not banned outright, but systematically discouraged through scripting, curation, and selective recognition. Fricker's (2007) analysis of testimonial and hermeneutical injustice helps clarify this process: contributions may be heard but devalued, or excluded by interpretive frameworks that define what counts as 'relevant' knowledge.

From a Habermasian perspective, these conditions undermine communicative rationality. Deliberation does not emerge from free and equal exchange but from a field structured by asymmetries of epistemic capital and access (Habermas, 1996). What Knight describes as democratic innovation is, in reality, a circumscribed performance in which outcomes are constrained by institutional prerogatives.

Seen from the perspective of fiduciary ethics, which I have articulated in *Directors' Epistemic Duties and Fiduciary Openness* (Kahl, 2025b), such practices amount to breaches of responsibility. Fiduciary duties in governance are not only legal but epistemic: they require institutions to act as stewards of epistemic fairness, transparency, and accountability. Epistemic clientelism represents the opposite—institutions become brokers of epistemic loyalty, rewarding conformity in ways that reinforce their authority while marginalising critical or innovative voices.

The significance of ECT, therefore, is twofold. First, it supplies a conceptual vocabulary to diagnose the exchanges underpinning curated participatory practices, which might otherwise appear benign or even praiseworthy. Second, it reframes the critique of performative openness: not merely as symbolic thinness but as the active reproduction of clientelist hierarchies that corrode democratic legitimacy. Knight and Morley's pavilion thus stands not as a model of participatory design but as a paradigmatic case study of epistemic clientelism in government practice—one that requires fiduciary-epistemic reform rather than celebratory self-congratulation.

1.4 Philosophical Anchors

The theoretical force of *Epistemic Clientelism Theory* (ECT) becomes clearer when situated within a broader philosophical landscape. Heidegger, Foucault, Habermas, Fricker, and Bourdieu each illuminate a distinct dimension of the epistemic failures exemplified by Knight and Morley's Civil Service pavilion. Read together, they reveal how performative openness slides into clientelism, and why such practices compromise democratic legitimacy.

Heidegger's *Being and Time* (1962) diagnoses the structural tendency of human beings to fall into *das Man*—the "they-self" defined by conformity to prevailing norms. Authenticity, by contrast, requires individuals to reclaim their agency through reflexive confrontation with their situatedness. In Knight and Morley's pavilion, participants were encouraged to enact roles scripted for them by institutional organisers, aligning contributions with the Civil Service's expectations. This dynamic exemplifies epistemic inauthenticity: voices alienated from their own critical potential by the pull of conformity. What appeared as openness thus reinforced *Uneigentlichkeit*—collective inauthenticity—rather than enabling authentic epistemic agency.

This Heideggerian insight intersects with Foucault's account of disciplinary power in *Discipline and Punish* (1995). Foucault shows how modern institutions govern not primarily by coercion but by structuring participation, normalising behaviour, and rendering subjects visible. The Biennale's serious games can be read as technologies of governmentality: structured arenas where participation was simultaneously enabled and constrained, producing the appearance of freedom while channeling epistemic contributions into predesigned pathways. Far from neutral, these games disciplined participants into reproducing institutional assumptions under the guise of collaborative play.

Habermas's vision of deliberative democracy in *Between Facts and Norms* (1996) provides the normative counterpoint. For discourse to carry democratic legitimacy, participants must engage as equals, free from coercion, with the possibility of their contributions shaping collective outcomes. Knight and Morley's pavilion claimed precisely this—yet the absence of transparency about how contributions informed policy, combined with the curation of who could speak, undermined these conditions. What emerged was not communicative rationality but its institutional simulation: dialogue choreographed to reinforce legitimacy rather than to enable genuine consensus.

Fricker's *Epistemic Injustice* (2007) names the specific harms embedded in such simulations. Participants experienced testimonial injustice when their contributions, though invited, carried no weight in shaping outcomes; they experienced hermeneutical injustice when the design script of the serious games foreclosed epistemic perspectives outside the Civil Service's preferred frameworks. Performative openness thus combines inclusion at the level of appearance with exclusion at the level of epistemic uptake.

Finally, Bourdieu's *Distinction* (1984) clarifies why institutions pursue these practices: to accumulate symbolic capital. By staging the pavilion as playful, participatory, and innovative, the Civil Service accrued prestige within the field of international governance. Yet this symbolic gain was secured not through redistributing epistemic power but through staging the appearance of redistribution. What mattered was not the authenticity of inclusion but the spectacle of openness.

Taken together, these philosophical anchors reveal that Knight's pavilion did not fail by accident. On the contrary, it succeeded on its own terms: as a performance of openness designed to accrue symbolic capital, normalise disciplinary conformity, and simulate deliberation. Heidegger shows how participants were drawn into inauthenticity; Foucault explains the disciplinary mechanics; Habermas exposes the absence of deliberative legitimacy; Fricker names the injustice; and Bourdieu clarifies how the institution profited symbolically from the exercise. ECT intervenes by articulating the structural logic that binds these dimensions together: epistemic clientelism, the institutionalised exchange of autonomy for recognition.

1.5 Aims and Thesis Statement

The aims of this essay are threefold. First, I critically examine the epistemic dynamics of the UK Civil Service's policy-design practices as staged in Knight and Morley's account of the London Design Biennale pavilion. Second, I diagnose how these practices exemplify epistemic clientelism—the institutionalised exchange of epistemic autonomy for symbolic recognition—thereby exposing their performative openness as structurally exclusionary. Third, I advance a jurisprudentially grounded reform framework, embedding fiduciary–epistemic duties and a newly articulated set of *Fairness Duties in Participatory Design* (§7.4), designed to restore epistemic justice, democratic accountability, and institutional legitimacy.

This inquiry moves beyond narrow procedural critique. It addresses the fiduciary and democratic conditions under which institutional authority can be legitimately exercised. Fiduciary theorists such as Frankel (2011) emphasise duties of care, loyalty, and transparency as intrinsic to relationships of entrusted power. Rawls (1996) grounds legitimacy in public reason, demanding that the exercise of power be justifiable to all citizens under conditions of fairness. When policy-design initiatives are presented as participatory while institutions retain opaque control over epistemic boundaries, they breach both fiduciary duties and the Rawlsian conditions of democratic legitimacy.

The epistemic injustices are multiple. Fricker (2007) distinguishes testimonial injustice, where speakers' credibility is unjustly deflated, and hermeneutical injustice, where conceptual resources exclude certain perspectives from uptake. Both occurred in the Biennale pavilion: participants' contributions were acknowledged but lacked impact, while the framework of serious games pre-emptively restricted what could count as relevant knowledge. Heidegger (1962) clarifies how such scripted participation fosters epistemic inauthenticity; Foucault (1995) shows how disciplinary structures mask power under rituals of inclusion; Habermas (1996) exposes the absence of communicative equality; and Bourdieu (1984) reveals how symbolic capital was accrued by staging openness as spectacle. Together, these perspectives reinforce the claim that performative openness entrenches clientelist hierarchies rather than enabling authentic democratic engagement.

My thesis is that the Biennale pavilion exemplifies a causal chain: performative openness produces epistemic clientelism, which in turn constitutes fiduciary breach and democratic erosion. The originality of this paper lies in specifying a normative framework that combines fiduciary–epistemic duties with *Fairness Duties in Participatory Design* (§7.4)—notice, reasons, access, and proportionality—drawn from public law jurisprudence. This reframing establishes participatory design not as discretionary innovation but as a fiduciary obligation, enforceable in principle by both democratic norms and legal standards.

2. Epistemic Clientelism in Government Policy Design

2.1 Defining Epistemic Clientelism

2.1.1 Conceptual foundations

I coined the term epistemic clientelism to describe a structural pattern that governs how institutions manage knowledge and recognition (Kahl, 2025c). At its core, epistemic clientelism denotes the institutionalised delegation or surrender of epistemic autonomy in exchange for selective benefits—visibility, symbolic capital, or access to resources. What appears to be inclusion or collaboration often conceals a transactional economy: loyalty, conformity, and alignment with institutional narratives are rewarded, while dissent or heterodox perspectives are marginalised.

This formulation extends insights from political science, where patron–client arrangements describe the exchange of loyalty for material benefits, into the epistemic domain. Here, the "currency" is not land, jobs, or direct patronage, but epistemic recognition—citations, invitations to advisory boards, publication opportunities, or institutional prestige. When a civil servant quotes a "safe" academic, when a policymaker selects particular experts for visibility in public fora, these are not neutral acts of inclusion but allocations of epistemic capital designed to secure compliance within a bounded frame.

It is crucial to distinguish epistemic clientelism from legitimate forms of epistemic trust. Hardwig (1991) emphasised that trust in experts is indispensable in modern societies, where no individual can personally verify all claims. Legitimate trust, however, presupposes reciprocity, openness, and a willingness to subject expertise to scrutiny. Clientelism, by contrast, is asymmetrical: it rests on loyalty rather than reciprocity, and on conformity rather than transparency. Where trust sustains epistemic openness, clientelism contracts it, rendering knowledge production and circulation hostage to institutional hierarchies.

This distinction resonates with Weber's (1978) analysis of authority. Weber observed that legitimacy rests on shared justifications—traditional, charismatic, or rational–legal. Epistemic clientelism undermines rational–legal legitimacy by substituting procedural fairness with selective recognition. Instead of justifying knowledge through shared reasons accessible to all (as Rawls [1996] would later demand in his conception of public reason), institutions justify their epistemic authority by distributing recognition strategically, thereby sustaining their dominance.

Concrete examples illustrate the operation of this economy. Academic researchers may find themselves invited to government consultations only if their work aligns with prevailing policy priorities; civil servants may amplify workshop participants whose suggestions validate existing frameworks while quietly ignoring disruptive contributions. Even within public showcases, such as the Civil Service's Biennale pavilion,

recognition accrues to those who "play the game" of structured conformity. The implicit lesson is clear: epistemic visibility depends not on the independent merit of one's contribution, but on its resonance with institutional expectations.

Luhmann (1995) deepens this picture with his systems-theoretical account of trust. For Luhmann, trust reduces complexity by allowing interaction under uncertainty. Yet where trust contracts into clientelism, it ceases to reduce uncertainty; instead, it channels uncertainty into dependency. Participants no longer trust institutions because they are open or fair, but because they cannot risk exclusion from recognition networks. What appears as mutuality thus masks structural coercion.

Seen in this light, epistemic clientelism is not an accidental flaw but a governing logic. Institutions depend on it to sustain epistemic order: gatekeeping defines boundaries, selective amplification rewards loyal voices, symbolic inclusion neutralises dissent, and favour-trading consolidates epistemic alliances. Each mechanism reinforces the others, ensuring that epistemic autonomy is surrendered piecemeal in return for selective benefits. This is not a breakdown of trust but its strategic substitution—a patterned economy of recognition that sustains institutional authority while quietly eroding the conditions of epistemic plurality.

2.1.2 Related theoretical anchors

Epistemic clientelism does not emerge in a conceptual vacuum; it resonates with several established theoretical traditions that clarify its mechanisms and implications. By placing *Epistemic Clientelism Theory* (ECT) in dialogue with Bourdieu, Fricker, and fiduciary theorists such as Frankel, its structural logic can be better understood as a patterned practice rather than an incidental institutional failing.

Bourdieu and Symbolic Capital.

Pierre Bourdieu's analysis of cultural reproduction and symbolic capital provides a natural starting point. In *Distinction* (1984), Bourdieu argues that institutions accumulate and distribute prestige selectively, thereby reinforcing hierarchical structures of recognition. The currency of symbolic capital functions less as neutral acknowledgement and more as a tool of domination: recognition is bestowed on those who conform to the rules of the institutional field, while non-conformity is systematically devalued. Epistemic clientelism operates on precisely this logic. Recognition—in the form of citations, invitations to panels, or association with high-prestige events—is selectively allocated to those whose epistemic outputs align with institutional expectations. What appears as meritocratic recognition is, on closer inspection, a mechanism of epistemic discipline, ensuring that conformity is rewarded while epistemic heterodoxy is marginalised.

Fricker and Epistemic Injustice.

Miranda Fricker's *Epistemic Injustice* (2007) provides a complementary lens by identifying the systematic harms embedded in such practices. Testimonial injustice occurs when a speaker's word is discredited owing to prejudice; hermeneutical injustice arises when structural interpretive resources fail to make sense of certain experiences or perspectives. Epistemic clientelism institutionalises both forms of injustice. Testimonial injustice manifests when dissenting contributions are granted surface visibility but denied credibility; hermeneutical injustice appears when institutional scripts, such as "serious games," exclude frameworks of understanding that do not fit the pre-structured rules of play. Thus, what is presented as openness often functions as an epistemic double-bind: participation is permitted only within boundaries that render certain contributions unintelligible or unimpactful.

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Fiduciary Duties and Their Breach.

Fiduciary theory adds another dimension. Tamar Frankel (2011) identifies the fiduciary relationship as one premised on trust, loyalty, and the obligation to act in the best interests of the beneficiary. Translating this into the epistemic domain, public institutions stand as fiduciaries for the citizenry: entrusted to act with loyalty to epistemic fairness, transparency, and inclusivity. Epistemic clientelism represents a breach of these duties. By privileging institutional self-preservation and the reproduction of legitimacy over fairness and openness, institutions compromise their fiduciary responsibilities. Instead of stewarding epistemic plurality, they broker epistemic loyalty, trading recognition for conformity. The asymmetry that results—where citizens are invited to "participate" but their autonomy is circumscribed—constitutes a structural violation of fiduciary ethics. This analysis parallels the account in Elliott & Thomas (2024), where UK public law is understood to impose foundational duties of fairness, accountability, and legality on public bodies exercising discretionary power. In both frames, breaches occur not merely when outcomes are poor, but when institutions substitute opacity and self-preservation for loyalty to those they serve. Rawls (1999) makes the same point at the constitutional level: justice requires that institutional rules be structured so as to guarantee fair equality of opportunity and a fair value of participation.

Research on serious gaming underscores the stakes of such breaches. Neset et al. (2020) show that serious games can, when properly designed, foster climate adaptation by promoting pluralism, inclusivity, and reflexive learning. Yet the Biennale workshops illustrate the inverse: rather than harnessing games for epistemic plurality, the Civil Service deployed them as filters that curtailed contestation and reinforced authority. The rules of play became epistemic boundaries, converting what could have been tools of empowerment into instruments of control.

Together, these anchors illuminate why epistemic clientelism is more than a descriptive observation. It is a systematic mode of governance at the epistemic level: distributing symbolic capital (Bourdieu), perpetuating injustice (Fricker), breaching fiduciary duties (Frankel), and, as I have argued elsewhere, embedding knowledge control within institutional architectures that sustain authority (Kahl, 2025e).

2.1.3 Structural features

Epistemic clientelism is not a diffuse cultural tendency but a structured pattern sustained by identifiable mechanisms. These mechanisms function together to institutionalise the delegation of epistemic autonomy, reproducing hierarchies of recognition and consolidating authority. I identify four core features: gatekeeping, selective amplification, symbolic inclusion, and favour-trading.

Gatekeeping.

Institutions maintain authority by drawing epistemic boundaries—deciding whose knowledge counts, what problems are defined as relevant, and which methods are deemed legitimate. At Knight and Morley's Biennale pavilion, gatekeeping occurred through curation: the Policy Design Community determined the framing of "serious games," defined the terms of climate challenges, and controlled which perspectives could enter the space. This gatekeeping was not overt exclusion but what Foucault (1995) would call a disciplining of discourse: epistemic boundaries were silently policed through the rules of the game. Participants were welcomed, but only insofar as their contributions could be translated into the Civil Service's pre-established vocabulary of policy design.

Selective amplification.

Once boundaries are drawn, institutions selectively reward those voices that align with their preferred narratives. Amplification occurs through visibility—quotations in reports, invitations to subsequent workshops, or symbolic recognition at receptions. As Bourdieu (1984) observes, symbolic capital is accumulated not by merit alone but through alignment with institutional taste and priorities. At the Biennale, Civil Service organisers amplified contributions that confirmed the narrative of design-led innovation, while marginalising interventions that might challenge the adequacy of "serious games" as a method. Amplification thus creates incentives for conformity: participants quickly learn which epistemic registers will be rewarded.

Symbolic inclusion.

Paradoxically, dissenting voices are often invited into participatory exercises precisely to legitimate them. This form of symbolic inclusion provides a veneer of pluralism while neutralising the disruptive potential of dissent. Fricker's (2007) concept of testimonial injustice helps to clarify this dynamic: dissent is heard, but its credibility is subtly downgraded, leaving its impact negligible. The Biennale workshops exemplified this when they positioned public participants as co-designers yet provided no mechanisms for their contributions to shape actual policy. Symbolic inclusion, in this sense, is a ritual of listening without uptake, where disagreement becomes part of the performance of openness but not a driver of change.

Favour-trading.

Finally, recognition itself functions as a form of currency in an epistemic economy. Invitations to prestigious events, opportunities to network with senior officials, or references in Civil Service communications are exchanged for loyalty and epistemic compliance. This echoes patron–client relations in politics but transposed

into the epistemic domain: what is traded is not material benefit but epistemic recognition. At the Biennale, the reception at Somerset House, where design leaders gathered to celebrate and exchange symbolic capital, epitomised this mechanism. Those who conformed to the Civil Service's epistemic narrative were rewarded with proximity to power, while dissenters were excluded from the informal circuits of favour.

Taken together, these mechanisms reveal epistemic clientelism as a governing logic rather than an accidental flaw. Institutions such as the Civil Service sustain authority by orchestrating epistemic exchanges in which autonomy is tacitly surrendered for recognition. The Biennale pavilion, presented as openness and innovation, functioned in practice as a carefully curated stage on which these clientelist dynamics could be enacted. Recognising these structural features is essential for diagnosing how performative openness consolidates power and why genuine reform requires dismantling the epistemic economy that sustains it.

2.2 Application to Government Policy Design

2.2.1 Case of curated participation

In his account of the Biennale, Knight (2025) described the workshops as a "safe, engaging space where people could explore trade-offs, challenge assumptions, and listen to diverse perspectives." Every session was said to have sold out, with demand so high that "additional spontaneous sessions" were added. At face value, this description projects an image of democratic vibrancy, suggesting that the Civil Service had created a forum aligned with Habermas's (1996) deliberative ideal: a space where participants engage as equals, free from coercion, oriented towards understanding.

Yet when analysed through the lens of *Epistemic Clientelism Theory* (Kahl, 2025c), a different picture emerges. The workshops were structured not as open-ended deliberations but as "serious games," whose rules predetermined the range of acceptable contributions. What participants could say, how problems were framed, and which solutions were rendered thinkable were all embedded in the design of the game itself. This scripting effectively disciplined contributions into alignment with Civil Service expectations, ensuring that diversity of participation did not translate into diversity of epistemic outcomes.

This dynamic reveals what Fricker (2007) terms testimonial injustice: participants' voices were formally invited, yet their credibility was diminished unless they spoke in ways legible to the Civil Service's framework. Hermeneutical injustice was also at play: epistemic resources outside the design script—alternative framings of the climate crisis, critiques of technocratic governance—were structurally excluded from recognition. Thus, inclusion was achieved at the level of appearance, but exclusion persisted at the level of epistemic uptake.

Curation reinforced these exclusions. While Knight highlighted the diversity of participants, access to the pavilion was mediated by institutional networks and selective invitations. Following Bourdieu (1984), participation itself became a form of symbolic capital: being seen in the Civil Service's policy-design space conferred prestige. Yet the value of that capital depended on epistemic alignment. Participants learned implicitly that recognition—citations, future invitations, visibility within the Policy Design Community—was conditional upon their willingness to conform to institutional expectations.

The Biennale workshops, therefore, exemplify epistemic clientelism in practice. Far from embodying communicative rationality, they enacted an economy of recognition where loyalty and conformity were rewarded, dissent neutralised, and epistemic autonomy subtly surrendered in exchange for symbolic inclusion.

2.2.2 Performative inclusion vs substantive influence

The most striking feature of Knight and Morley's narrative is the absence of any evidence that participant contributions had substantive influence on policy outcomes. The workshops were framed as democratic innovations—"safe, engaging spaces" where diverse voices could deliberate—but Knight (2025) offered no indication of how, or whether, these contributions were integrated into the Civil Service's policy-making processes. This omission is not incidental: it reveals the central problem of performative inclusion, a practice that simulates openness while withholding meaningful epistemic agency.

Habermas (1996) articulated the conditions necessary for deliberative legitimacy: participants must engage as equals, without coercion, and with the assurance that their contributions can shape collective outcomes. At the Biennale, these conditions were absent. While participants were invited to speak, the Civil Service retained exclusive control over how inputs were recorded, interpreted, and acted upon. Without transparency about these mechanisms, the promise of inclusion devolves into spectacle. Deliberation was not a process of co-creation but a performance of dialogue staged for institutional legitimacy.

Foucault's (1995) analysis of disciplinary power further clarifies this dynamic. Power in modern institutions is not exercised solely by silencing dissent but by structuring the conditions under which speech occurs. The "serious games" themselves were disciplinary devices: they defined the issues at stake, narrowed the range of permissible solutions, and created an environment in which compliance to institutional frameworks felt natural. Participation was enabled, but only in ways that reinforced the epistemic order established by the Civil Service. To borrow Foucault's vocabulary, the workshops functioned as technologies of governmentality, orchestrating behaviour while presenting it as freedom.

This disciplinary scripting also produced epistemic injustice in Fricker's (2007) sense. Testimonial injustice occurred when participants' voices were implicitly weighted according to their alignment with institutional narratives. Hermeneutical injustice arose from the limited conceptual resources embedded in the games themselves: participants could not raise critiques that exceeded the Civil Service's design parameters. The result was an illusion of inclusivity—dissenting or heterodox contributions could be voiced but had no pathway to influence. They were neutralised by the very structure of participation.

Moreover, inclusion functioned symbolically rather than substantively. The Civil Service could point to sold-out workshops and a diverse roster of attendees as evidence of openness, while avoiding the harder task of embedding pluralistic epistemic contributions into actual policy. This aligns with Bourdieu's (1984) account of symbolic capital: the institution accrued legitimacy by appearing participatory, gaining prestige within the field of international governance, without redistributing epistemic power.

Thus, what Knight celebrated as participatory governance was in practice a form of epistemic clientelism. Participants were offered symbolic recognition—being seen, photographed, quoted—but not genuine influence. Their epistemic autonomy was effectively exchanged for visibility within an institutional performance, reinforcing the Civil Service's authority while foreclosing the possibility of authentic democratic co-creation.

The distinction between performative inclusion and substantive influence is therefore critical. The former legitimises institutions while leaving power untouched; the latter redistributes epistemic agency and alters outcomes. Knight and Morley's pavilion exemplified the former, staging inclusivity without structural reform, and in doing so, revealed the Civil Service's reliance on epistemic clientelism as a mode of governance.

2.2.3 Informal networking as epistemic favour-trading

Knight and Morley's (2025) account did not end with the workshops. Equal emphasis was placed on receptions, leadership gatherings, and celebratory events—most notably the Somerset House reception, where fifty design leaders from across the Civil Service met to "share early plans for a new design school" and celebrate their collective work. On the surface, such occasions appear benign: opportunities for connection and professional development. Yet through the lens of *Epistemic Clientelism Theory* (Kahl, 2025c), they function as informal epistemic marketplaces where symbolic recognition, future opportunities, and credibility are exchanged in ways that subtly reinforce loyalty and conformity.

These gatherings reproduced clientelism in its "soft" mode. Unlike direct coercion, soft clientelism operates through invitations, prestige, and subtle exclusions. Being included in such receptions conferred visibility within an epistemic circle; being absent risked invisibility. Recognition thus depended on alignment with institutional narratives, while dissent carried the risk of exclusion from future networks of influence.

Bourdieu's (1984) concept of symbolic capital clarifies this process. Attending receptions was not merely social; it was an investment in epistemic standing. The visibility of being seen alongside senior civil servants could be converted into future invitations, consulting contracts, or endorsements. Those who aligned with Civil Service expectations accrued this capital, while dissenters remained outside the charmed circle.

Foucault (1995) would interpret these rituals as disciplinary technologies. The conviviality of drinks, speeches, and networking normalised a shared horizon of acceptable discourse, binding recognition to loyalty. Guests internalised the lesson: to remain visible, one must not disturb the economy of recognition.

This dynamic exemplifies what I have elsewhere termed epistemic favour-trading (Kahl, 2025c): the implicit exchange of recognition for conformity. No overt coercion was required. The soft power of selective invitations and visible association with elites ensured that conformity was rewarded and dissent marginalised, silently reproducing epistemic hierarchies.

From a fiduciary perspective (Frankel, 2011; Kahl, 2025b, 2025c), such practices represent further breaches. Public institutions entrusted with structuring knowledge have duties of openness, fairness, and accountability. Yet the Civil Service allowed recognition to circulate through informal marketplaces of favour, privileging institutional self-preservation over democratic plurality.

Thus, what Knight framed as community-building amounted instead to consolidation of epistemic hierarchies under the guise of collegiality. Recognition was distributed not on the basis of epistemic merit but as a reward for conformity. Taken together, the workshops and receptions reveal a coherent system: curated games channelled participation into scripts; lack of uptake maintained institutional control; and networking rituals reinforced hierarchies through favour-trading. What emerged was not democratic co-creation but an orchestrated ecosystem of epistemic clientelism, where autonomy was quietly exchanged for recognition and authority was strengthened through ritual performance.

2.3 ECT and Civil Service Practices

2.3.1 Mapping from academia to government

Epistemic Clientelism Theory (ECT) was originally developed in the context of academia, where the asymmetrical exchange of epistemic autonomy for symbolic recognition has long structured scholarly life (Kahl, 2025c). In

universities, researchers often calibrate their intellectual contributions to the expectations of senior scholars, editors, or funding bodies, surrendering critical autonomy in return for citations, invitations, or institutional advancement. This dynamic is rarely acknowledged as such, because it is embedded in practices of peer review, research assessment, and prestige economies that present themselves as meritocratic. Yet beneath these surface norms, epistemic clientelism functions as a systemic mechanism: loyalty to dominant paradigms is rewarded, heterodoxy is penalised, and conformity becomes the currency of survival.

The Civil Service's policy design practices, as presented in Knight and Morley's Biennale blog post, reveal a striking continuity with this academic pattern. Though the setting differs—government workshops instead of academic conferences—the epistemic logic is recognisably the same. Participation in "serious games" is curated, framed, and rewarded not on the basis of epistemic challenge but of alignment with institutional narratives. Like academia's symbolic economies, the Civil Service deploys its own currencies of recognition: quotations in official blogs, invitations to subsequent workshops, networking opportunities at receptions, or even the subtle prestige of being seen as "on the inside." These symbolic benefits, while less tangible than funding or promotions, nonetheless structure behaviour, nudging participants toward compliance with institutional scripts.

Both environments—academia and government—thus rely on epistemic clientelism as a means of sustaining authority. In each case, institutions present themselves as open and pluralistic while in practice filtering contributions through implicit criteria of loyalty and conformity. Bourdieu's (1984) analysis of symbolic capital helps to explain the continuity: whether in scholarly publishing or in government design workshops, prestige operates as a scarce resource distributed through institutional channels. Those who play by the rules accumulate capital and ascend, while those who resist or dissent are marginalised. What makes the Civil Service case particularly troubling, however, is that these dynamics are not confined to professional self-preservation but directly shape public policy. Where academia's clientelism distorts the production of knowledge, government clientelism distorts the very conditions under which democratic deliberation takes place.

2.3.2 Rewarding conformity, marginalising dissent

Knight and Morley's blog post itself provides evidence of how epistemic clientelism operates within Civil Service practices. The voices highlighted are those of participants who praised the workshops: one called the experience "a fab afternoon," another said it was "great for the public to be included in these things" (Knight & Morley, 2025). These quotes, selected for public display, exemplify what I have elsewhere described as selective amplification (Kahl, 2025c): those who echo institutional narratives are elevated as exemplars of successful engagement. By contrast, any critical reflections—questions about whether participants' inputs influenced policy outcomes, or whether the "serious games" constrained rather than enabled epistemic agency—were absent. Their absence is unlikely to be accidental. Rather, it reflects a systematic filtering out of dissent that might undermine the Civil Service's carefully crafted narrative of inclusion and innovation.

This pattern exemplifies what I termed symbolic inclusion: dissenting or disruptive voices may be nominally admitted into the space, but their contributions are neutralised, left unacknowledged, or excluded from official representation (Kahl, 2025c). In this sense, the Biennale workshops reproduced a dynamic familiar from academia: recognition is conferred not on the basis of epistemic value per se but on conformity to institutional scripts. To borrow Heidegger's (1962) terms, participants were subtly nudged into becoming *das Man*—the "they-self"—absorbing institutional expectations into their own self-understanding and performing the roles scripted for them by Civil Service curators. The danger here is not merely epistemic thinness but existential

alienation: participants risk forfeiting their own authentic critical agency in order to belong within the institutionally sanctioned "community of design."

The distribution of symbolic rewards—being quoted, invited back, or seen as aligned with the Civil Service's policy design ethos—functions as the clientelist currency. In turn, the withholding of recognition serves as a quiet sanction against dissent. This dual mechanism both incentivises conformity and discourages critique. Over time, the epistemic field becomes increasingly homogenous, populated by voices that reinforce the institution's self-image while marginalising those that might challenge or expand it. The effect is cumulative: participants learn that dissent not only fails to yield recognition but risks exclusion from future opportunities.

In the Biennale setting, this meant that "success" was pre-scripted: participants who affirmed the Civil Service's framing of policy design as playful, inclusive, and innovative were held up as proof of legitimacy, while those who might have raised deeper concerns about epistemic transparency or democratic accountability were rendered invisible. The resulting epistemic economy is one in which loyalty is rewarded, dissent is marginalised, and institutional authority is reinforced under the guise of openness.

2.3.3 Fiduciary implications

The fiduciary dimension of these practices is critical. Fiduciary obligations—care, loyalty, and transparency—are foundational to entrusted relationships of power (Frankel, 2011). In my own work on directors' epistemic duties, I have argued that fiduciary-epistemic openness requires not only procedural transparency but also a demonstrable commitment to epistemic plurality and fairness (Kahl, 2025b). When the Civil Service curates participatory processes that amplify only positive feedback—for example, quoting participants who described the Biennale workshops as "lovely" or "interesting"—while ignoring dissenting or critical voices, it systematically breaches this fiduciary duty. The public appearance of inclusion masks the reality of epistemic filtering, thereby undermining the fairness and accountability required of fiduciary governance.

This breach is not merely procedural; it is epistemic. Fricker's (2007) distinction between testimonial and hermeneutical injustice reveals the harm: participants whose contributions align with institutional narratives are granted epistemic credibility, while dissenting voices are either not recorded or neutralised by the framework of "serious games." The injustice lies not only in exclusion but in the structural discrediting of alternative epistemologies, a discrediting made invisible under the guise of inclusivity.

Moreover, the Civil Service's strategy of staging its pavilion at the Biennale transforms fiduciary failures into symbolic capital. As Bourdieu (1984) showed, symbolic capital accrues when institutions project cultural legitimacy in prestigious venues, regardless of substantive reform. By converting curated participation into reputational gain, the Civil Service privileges institutional self-preservation over fiduciary responsibility to citizens. What appears as democratic innovation is thus better understood as clientelist accumulation of symbolic prestige.

From a Rawlsian perspective, this breach strikes at the heart of democratic legitimacy. Rawls (1996) maintained that the justification of political power must be grounded in public reason, intelligible and acceptable to all under conditions of fairness. Yet the Biennale workshops provided no transparent mechanisms showing how public contributions influenced policy. The justificatory chain of public reason was broken: citizens were invited to speak but denied the assurance that their words could shape outcomes.

Viewed through the lens of *Epistemic Clientelism Theory* (Kahl, 2025c), these fiduciary breaches are not accidental oversights but structural features of clientelist governance. Recognition is distributed selectively, loyalty is rewarded, dissent is marginalised, and legitimacy is manufactured through symbolic inclusion. The

fiduciary stakes are therefore profound: by substituting epistemic clientelism for fiduciary openness, the Civil Service erodes not only its epistemic integrity but also the trust upon which democratic governance depends.

2.4 Transitional Conclusion

The analysis in this chapter has demonstrated how *Epistemic Clientelism Theory* (ECT) illuminates the deeper structural logic underpinning the Civil Service's Biennale workshops. What Andrew Knight framed as a moment of democratic innovation—the use of serious games and interactive workshops to engage the public—becomes, under the lens of ECT, a case study in the delegation and surrender of epistemic autonomy. Participation was not a neutral opening of policy design but an exchange: citizens were invited to speak within pre-determined scripts, and in return the institution accrued symbolic legitimacy and selectively distributed recognition.

The central point is that the problem cannot be reduced to poor design choices or gaps in facilitation. The workshops were not simply flawed exercises in inclusion; they were structured by the governing logic of epistemic clientelism. Gatekeeping, selective amplification, symbolic inclusion, and informal favour-trading were not accidental by-products but integral mechanisms sustaining institutional authority. Through these practices, epistemic autonomy was traded away for recognition, prestige, and symbolic capital.

Legal doctrine reinforces why this logic should be treated as a breach, not a benign imperfection. In *Frame v Smith* [1987] 2 SCR 99, Wilson J identified three hallmarks of fiduciary relations: discretion, power, and vulnerability. All were present here: the Civil Service exercised discretion over participation rules, wielded epistemic power through curation, and left participants structurally vulnerable to institutional scripting. *Guerin v The Queen* [1984] 2 SCR 335 confirmed that when public authorities exercise such discretionary control on behalf of vulnerable groups, fiduciary duties arise automatically. The Biennale workshops, presented as participatory innovation, thus activated fiduciary obligations of loyalty, care, and transparency. Their failure to uphold these obligations parallels the failure in *Keech v Sandford* (1726) Sel Cas Ch 61, where even the appearance of self-interested appropriation sufficed to ground breach. Here too, the Civil Service appropriated citizens' trust for its own symbolic capital, regardless of whether participants perceived direct harm.

This structural analysis highlights why epistemic clientelism is not merely descriptive but normatively charged. By subordinating fairness, transparency, and accountability to institutional self-legitimation, the Civil Service breached fiduciary–epistemic duties, thereby eroding democratic legitimacy.

The transition point is clear. If Chapter 2 has established the underlying logic—how epistemic clientelism structures participation in policy design—then Chapter 3 will deepen the critique by showing how this logic takes the form of performative openness. It will explore the illusion of democratic participation: how curated rituals of inclusion project legitimacy while concealing structural exclusions. In doing so, the analysis moves from diagnosis of the exchange economy of epistemic clientelism to critique of its public staging as democratic theatre.

3. Performative Openness: The Illusion of Democratic Participation

3.1 Performative Participation as Marketing

The Biennale workshops, presented by Andrew Knight as exemplars of democratic innovation, can also be understood as instances of what I have elsewhere termed performative openness (Kahl, 2025g). Performative openness describes institutional practices that simulate inclusivity and transparency while preserving control over epistemic boundaries. At the surface, these practices appear to empower participants, but in reality, they function as reputational marketing strategies—projecting legitimacy, accountability, and innovation without redistributing epistemic agency.

This logic aligns with my earlier argument in *Epistemic Violence or Simply Good Marketing?* (Kahl, 2025i), where I showed how institutions deploy the rhetoric of participation and co-creation as instruments of branding. It also parallels my analysis in *Who is Afraid of Free-Range Knowledge?* (Kahl, 2025f), which demonstrates how academia likewise enacts symbolic openness while marginalising unsanctioned contributions, projecting legitimacy through selective recognition rather than genuine epistemic plurality. In both settings, openness is staged less for participants than for external audiences—publics, funders, or international observers—whose recognition contributes to the accumulation of symbolic capital (Bourdieu, 1984).

Recent Civil Service experiments in "serious games" confirm this marketing orientation. Lean (2023) describes *Fantasy Farming* as a co-design game showcased at Civil Service Live, designed to simulate inclusion and creativity while introducing policy challenges. Similarly, Menapace (2023) frames policy games as "playable systems," teaching policymakers to reflect on rules and agency. These initiatives echo scholarly accounts of serious games' democratic potential—for example, Neset et al. (2020), who highlight how gaming can foster pluralism, inclusivity, and reflexive learning in climate adaptation. Yet the Biennale workshops inverted this promise: rather than opening epistemic space, the Civil Service used the aesthetics of games and co-design to curate participation, advertising itself as innovative while insulating its authority from contestation.

In this sense, the workshops were less about co-creating policy and more about performing the appearance of democratic accountability. By aligning themselves with the aesthetics of participation—interactive formats, inclusive language, and carefully staged photographs of citizens collaborating—the Civil Service converted symbolic gestures into institutional legitimacy. Foucault's (1995) analysis of disciplinary rituals helps illuminate this dynamic: what looks like freedom is instead a carefully choreographed performance, where inclusion operates as a technique of governance rather than an act of empowerment.

The Biennale context heightened this marketing function. Global exhibitions are designed for visibility and prestige, and the Civil Service's presence was itself an exercise in institutional positioning. By staging its practices within a cultural showcase, the institution borrowed symbolic legitimacy from the Biennale's aura of creativity and openness. The workshops were thus doubly performative: internally, they reinforced conformity to Civil Service epistemic scripts; externally, they advertised the Civil Service as progressive, participatory, and globally relevant.

The result is what might be called a politics of display. Participation becomes spectacle, where citizens are cast not as epistemic agents but as extras in an institutional performance. Their role is to legitimise the script already written, while the institution reaps the reputational benefits of appearing open, democratic, and innovative.

3.2 Serious Games as Institutional Scripts

The Civil Service's adoption of "serious games" at the Biennale was presented as a democratic innovation: an interactive method enabling participants to explore policy dilemmas in playful, non-threatening ways (Knight & Morley, 2025). At first glance, this appears consistent with deliberative ideals, where participation fosters dialogue and mutual understanding (Habermas, 1996). Yet when examined through *Epistemic Clientelism Theory* (Kahl, 2025c), the logic of these games is less about empowerment and more about scripting epistemic behaviour.

Games are not neutral tools. They embed rules, assumptions, and objectives that structure participants' actions in advance. As Huizinga (1949) and Caillois (2001) observed, the "magic circle" of play is simultaneously liberating and constraining: players enjoy freedom only within a bounded system of rules. Applied to policy design, this means participants may deliberate, but only within parameters defined by institutional organisers. The Civil Service's "Serious Game to Save the Planet" encoded its epistemic assumptions into the rules of play, shaping outcomes before deliberation began. This dynamic illustrates what I have elsewhere described as the *epistemic architecture of power*: institutional designs that configure which voices are admissible, how recognition circulates, and where authority resides (Kahl, 2025e).

Research on serious games underscores that design choices are decisive. Neset et al. (2020) show that digital serious games for climate adaptation can foster pluralism, inclusivity, and reflexive learning. Yet the Biennale games did the opposite: they foreclosed contestation and reinforced pre-existing authority. Menapace (2023) captures this dynamic by describing games as "playable systems," where rules themselves constitute policy. If rules are policy, then fairness duties must attach at the design stage, not merely in execution. By fixing assumptions into the structure of play, the Civil Service predetermined what could count as knowledge and what contributions could matter.

Even the Civil Service's own discourse confirms this performative function. Lean (2023), in a Civil Service blog, describes "serious games" as a co-design showcase at Civil Service Live, highlighting their value as training tools and branding exercises. Such self-disclosure illustrates the phenomenon of performative openness: the games projected inclusivity while operating primarily as reputational marketing.

The epistemic consequences are significant. Participants who might have questioned the very premise of the game—whether playful simulation trivialises existential climate challenges, for instance—found no space within its rules for their concerns to be registered. This narrowing of epistemic space exemplifies Fricker's (2007) *hermeneutical injustice*: interpretive frameworks excluded perspectives before they could even be articulated. Rewards of participation—being quoted in Knight and Morley's blog, invited to future workshops, or gaining visibility—were tied to alignment with the institutional script. Those who conformed were amplified; those who resisted were marginalised or rendered invisible.

In sum, the Biennale workshops exemplify how serious games can function less as democratic innovations than as institutional scripts. By embedding Civil Service assumptions into the rules of participation, they transformed open-ended deliberation into managed performance. What appeared as empowerment was, in fact, epistemic disciplining: citizens permitted to speak, but only within an institutional grammar that channelled their voices toward preordained outcomes.

3.3 The Illusion of Co-Creation

The Civil Service's framing of the Biennale workshops rested on the claim that "serious games" offered a form of co-design: participants were not merely consulted but engaged as collaborators in shaping potential solutions to policy challenges (Knight & Morley, 2025). This rhetoric of co-creation carries democratic weight, suggesting that epistemic power is genuinely shared. Yet closer analysis reveals that the workshops offered only the appearance of collaboration. The reality was symbolic inclusion without substantive epistemic influence.

The key distinction lies between participation that changes outcomes and participation that validates preordained narratives. In the Biennale workshops, participants were invited to deliberate, but no mechanisms linked their contributions to actual policy-making processes. There was no record of how ideas were integrated, no transparent feedback loop, and no institutional commitment to uptake. This absence of procedural pathways transforms participation into performance: it reassures audiences that voices are heard while insulating institutions from epistemic accountability.

Fricker's (2007) framework of epistemic injustice is instructive here. Participants' contributions may have been acknowledged but not credited—an instance of testimonial injustice, where credibility is undermined despite apparent recognition. At the same time, the conceptual framing of the workshops foreclosed certain epistemic approaches, enacting hermeneutical injustice. Contributions that did not align with the game's epistemic categories—such as critiques of the very premise of gamification, or systemic analyses of structural power—could not meaningfully register. What was staged as plurality was, in practice, conformity wrapped in the language of diversity.

The illusion of co-creation thus functioned as a form of institutional marketing. As I argued elsewhere, institutions increasingly deploy symbolic openness to project legitimacy while retaining control over epistemic boundaries (Kahl, 2025g). The Biennale workshops served precisely this purpose: by showcasing international participation, Civil Service organisers could claim global inclusivity and democratic innovation, even as the underlying practices reinforced epistemic hierarchies. The fact that many participants expressed gratitude for being included—some quoted approvingly in Knight and Morley's blog—illustrates how symbolic recognition substitutes for genuine epistemic empowerment.

The epistemic harm is not trivial. When citizens are invited into participatory spaces that promise collaboration but deliver only symbolic inclusion, trust is eroded. The democratic ideal of communicative rationality (Habermas, 1996) is compromised: deliberation cannot be genuine if outcomes are insulated from influence. More troublingly, participants may internalise the norms of such spaces, learning to moderate or silence critical perspectives in anticipation of institutional expectations. In this sense, the illusion of co-creation not only deceives but disciplines, reproducing epistemic clientelism under the guise of democratic openness.

In conclusion, the Biennale workshops demonstrate how co-creation, when reduced to symbolic inclusion, becomes an epistemic spectacle rather than a democratic practice. Participation was invited, but only to legitimise predetermined narratives and accrue symbolic capital for the Civil Service. Far from empowering citizens, the illusion of co-creation entrenched epistemic hierarchies, marginalised dissent, and undermined both fiduciary duty and democratic legitimacy.

3.4 Conclusion to Chapter 3

This chapter has shown that what Andrew Knight celebrated as inclusive and participatory—the Civil Service's use of "serious games" and curated workshops—was in fact an exercise in performative openness. Participation was staged as democratic, yet in practice it was tightly curated, scripted, and bounded by institutional assumptions. The effect was to generate legitimacy through appearances while concealing the structural exclusions of epistemic clientelism.

The epistemic harms of this staging are profound. Participants were given the experience of deliberation without its substance, an illusion of co-creation that disciplined contributions into conformity. In Habermas's (1996) terms, the conditions of communicative rationality—equality, non-coercion, openness to challenge—were absent. In Fricker's (2007) framework, both testimonial and hermeneutical injustices were institutionalised: some voices were heard but not given credibility, others were excluded entirely by the Civil Service's framing.

The law provides a striking analogue for why such failures matter. In *R v Secretary of State for the Home Department, ex p Doody* [1994] 1 AC 531, the House of Lords held that fairness requires the giving of reasons to those affected by decisions. Similarly, in *Ridge v Baldwin* [1964] AC 40, denial of a fair hearing invalidated the exercise of authority. The Biennale workshops mirrored these defects: participants were invited to "deliberate" but denied reasons as to how their input would be used, or indeed whether it would influence decisions at all. The absence of such justification renders the process epistemically unfair. Likewise, *R (UNISON) v Lord Chancellor* [2017] UKSC 51 underscores that access to justice is a constitutional right; by analogy, access to meaningful epistemic participation cannot be reduced to symbolic presence without undermining legitimacy. Finally, *Mott v Environment Agency* [2018] UKSC 10 reminds us that proportionality governs the exercise of public power. By scripting contributions within narrow rules, the Civil Service failed to balance institutional convenience against citizens' epistemic rights, privileging control over fairness.

Seen through this combined theoretical and doctrinal lens, the Biennale workshops were not simply flawed experiments but constitutional failures in miniature: exercises of public authority that neglected fairness, transparency, and accountability. They performed openness while enacting exclusion, accruing symbolic legitimacy at the expense of epistemic justice.

This sets the stage for Chapter 4, which probes more directly the institutional mechanisms of control—curation, participant criteria, and opacity—and diagnoses them as fiduciary breaches. Where Chapter 3 has shown the illusion of democratic participation, Chapter 4 will reveal the underlying legal and fiduciary failures that such illusions conceal.

4. Institutional Control, Epistemic Gatekeeping, and Fiduciary Breaches

4.1 The Curatorial Role as Gatekeeping

Knight and Morley's blog post casts his role as curator of the Biennale workshops in benign terms—coordination, facilitation, celebration of design leadership. Yet curation in this context was not neutral. It operated as a powerful mechanism of epistemic gatekeeping, setting the conditions under which participation

occurred and determining which epistemic voices would be amplified, muted, or erased (Knight & Morley, 2025).

From the perspective of *Epistemic Clientelism Theory* (Kahl, 2025c), curation is best understood as a structured exchange: epistemic visibility and recognition are selectively distributed to those who conform to institutional expectations, while dissenting perspectives are quietly marginalised. The curator thus becomes a broker of epistemic loyalty, mediating which contributions acquire legitimacy and symbolic weight. What is framed as "openness" is therefore already pre-scripted by institutional interests, rewarding compliance while rendering critique invisible.

This logic finds a strong analogue in fiduciary law. In *Keech v Sandford* (1726) Sel Cas Ch 61, the Court of Chancery established the strict principle that fiduciaries may not profit from their position, even in circumstances where no direct harm is done to the beneficiary. The duty of loyalty was understood to be prophylactic: not merely preventing actual abuse, but guarding against the appearance of conflict. The reasoning is directly relevant here. By curating participatory spaces in ways that consolidate institutional legitimacy, Knight and the Civil Service engaged in what may be described as *epistemic self-dealing*: leveraging the appearance of openness to secure reputational capital for the institution. Even if no participant suffered direct harm, the fiduciary breach lies in the fact that citizen contributions were instrumentalised for institutional gain rather than treated with the loyalty and openness they were owed.

Bourdieu's (1984) concept of symbolic capital helps clarify the stakes. The Biennale functioned as a marketplace of legitimacy where institutional prestige was accrued through the performance of inclusivity. For the Civil Service, showcasing "serious games" in a global forum translated into symbolic capital: international recognition, media visibility, and reputational enhancement. For individual participants, the rewards were more modest but equally clientelist: being quoted in official communications, invited to future events, or networked into the Civil Service's policy-design community. These exchanges converted epistemic conformity into symbolic rewards, reinforcing hierarchies rather than challenging them.

Foucault (1995) reminds us that such processes are not merely about silencing dissent but about structuring participation itself. The "serious games" did not only showcase policy design—they normalised certain behaviours, directing participants to operate within predefined epistemic boundaries. What was presented as facilitation was in fact discipline: an institutional technique that shaped discourse in ways favourable to the Civil Service's narrative.

The fiduciary dimension sharpens the critique further. As I have argued elsewhere (Kahl, 2025c), public institutions hold fiduciary–epistemic duties of transparency, fairness, and accountability. Gatekeeping of the kind exemplified by Knight and Morley's curatorial role breaches these duties by obscuring the criteria for inclusion, failing to disclose how contributions are evaluated, and selectively rewarding conformity. Under the fiduciary standard articulated in *Keech*, even the semblance of such self-serving conduct is unacceptable. What looks like open engagement is therefore simultaneously an exercise in institutional self-preservation at the expense of epistemic fairness.

It is important not to portray participants as entirely passive in this exchange. Within curated spaces, individuals may attempt to resist scripting—by reframing questions, introducing alternative perspectives, or pushing back against dominant narratives. Yet the structural asymmetries created by curatorial control mean such resistances are easily absorbed or neutralised. Even when dissenting voices enter the conversation, they are rarely given equal symbolic weight, highlighting the enduring power of gatekeeping to reproduce epistemic hierarchies.

In sum, Knight and Morley's curatorial role exemplifies how institutional authority over participation is transformed into epistemic capital. The Biennale workshops were not merely moments of democratic experimentation; they were carefully managed performances where epistemic visibility was traded for conformity, symbolic capital was accumulated, and fiduciary responsibilities were left unmet. In fiduciary law, such conduct would amount to breach. In epistemic governance, it undermines both the legitimacy of the process and the trust upon which democratic authority depends.

4.2 Mechanisms of Control

The mechanisms through which the Civil Service exercised control at the Biennale pavilion can be grouped under three interrelated practices: selective participant criteria, the design of workshops themselves, and the opacity of procedures. These do not merely reflect logistical decisions; they reveal how epistemic boundaries were actively shaped and how apparent openness was transformed into a controlled performance of participation.

Participant criteria.

The Civil Service determined who was invited into the epistemic space of the Biennale, whether as workshop participants, speakers at receptions, or contributors cited in Knight and Morley's post. Such selective inclusion mirrors what Cornwall (2004) has described as the creation of invited spaces in participatory governance—arenas designed and bounded by institutional authorities, where the scope of acceptable contributions is pre-scripted. Rather than opening deliberation to all affected publics, criteria served to filter voices, favouring those already aligned with institutional expectations. Dryzek (2010) underscores that legitimate deliberation requires discursive inclusion of diverse perspectives, not merely procedural access. Where entry into deliberation is determined by institutional gatekeepers, the resulting exclusions risk producing testimonial injustice (Fricker, 2007): voices are dismissed or pre-empted before they can even be heard.

Workshop design.

Once inside, participants were placed within a highly structured environment: the "serious games" and curated workshops. While these were framed as tools for democratic innovation, their design encoded particular assumptions about what counts as valid knowledge and how problems should be addressed. In effect, they channelled contributions into pre-ordained categories—trade-offs, compromises, solutions—disciplined by the Civil Service's framing of policy challenges. This resonates with Foucault's (1995) analysis of disciplinary practices: power operates not through overt coercion but by organising the conditions of discourse, making conformity to institutional scripts appear natural and inevitable. What emerged was not open-ended deliberation but bounded rationality, in which participants could only act within the epistemic architecture designed for them.

Procedural opacity.

Finally, the absence of transparency regarding how insights would be processed and whether they would influence actual policy decisions created a double opacity: procedural (how decisions are made) and epistemic (why particular contributions matter or not). This opacity is particularly problematic in a fiduciary frame. As Frankel (2011) argued, fiduciaries have a duty of transparency and accountability to those who entrust them with power. The Civil Service's failure to make visible the mechanisms of uptake represents not merely an administrative weakness but a breach of fiduciary responsibility. Bovens (2007) reminds us that accountability

functions both as a mechanism—providing clarity and oversight—and as a virtue—expressing a commitment to integrity and responsiveness. By failing on both counts, the Civil Service's pavilion weakened its own claims to democratic legitimacy.

Here, the fiduciary jurisprudence of *Boardman v Phipps* [1967] 2 AC 46 (HL) is instructive. The House of Lords held that even where a fiduciary acts in good faith and generates benefit for beneficiaries, the strict standard of loyalty demands that the fiduciary must not profit from their position without informed consent. The principle is prophylactic: the duty of loyalty tolerates no shadow of doubt as to whose interests are being served. Applied to the Biennale workshops, the opacity of uptake means that participants could not know whether their contributions served public deliberation or merely the Civil Service's institutional image. The lack of disclosure, like the unauthorised gains in Boardman, converts what might have been benign innovation into a breach of trust.

Synthesis.

Taken together, these mechanisms exemplify what Habermas (1996) identified as the failure of communicative rationality. For dialogue to be democratically legitimate, participants must meet as epistemic equals, free from coercion, and with a reasonable assurance that their contributions can influence collective outcomes. Dryzek (2010) expands this point by showing that the legitimacy of deliberative systems depends on whether they enable the circulation of diverse discourses across institutional arenas, rather than restricting participation to curated performances. At the Biennale, none of these conditions were met. Instead, participant criteria controlled entry, workshop design scripted contributions, and opacity foreclosed accountability.

Far from being accidental weaknesses, these mechanisms are better understood as design features of epistemic governance. They exemplify the Civil Service's reliance on epistemic clientelism: rewarding conformity, disciplining dissent, and maintaining control under the guise of openness. In fiduciary terms, these practices are not lapses of good administration but structural breaches of loyalty and transparency. Like the strict standard enforced in *Boardman v Phipps*, they reveal that even well-meaning participatory initiatives cannot be excused where institutional self-interest is allowed to compromise fiduciary obligations to citizens.

4.3 Fiduciary Duties in Government Context

The fiduciary dimension of policy design is often neglected in discussions of participation. Yet, as Frankel (2011) has long emphasised, fiduciary relationships are characterised by asymmetries of knowledge and power: one party (the fiduciary) holds discretionary authority on behalf of another (the beneficiary) and is bound by duties of loyalty, care, and transparency. When the Civil Service presents itself as steward of participatory processes, it assumes such a fiduciary role vis-à-vis citizens. Its responsibility is not only to design inclusive forums but to ensure that these forums distribute epistemic power fairly, transparently, and accountably.

Against this backdrop, the Biennale pavilion appears not as a fulfilment of fiduciary responsibility but as a breach of it. The event's performative openness—inviting citizens to participate without disclosing how contributions would be used—subverted the duty of loyalty, as participants' trust was mobilised for institutional self-legitimation rather than democratic co-creation. Similarly, the opacity surrounding participant selection and decision-making undermined the fiduciary duty of care, which demands not only competence in execution but fairness in process. Most strikingly, the absence of explicit mechanisms of oversight represented a breach of transparency, hollowing out the fiduciary promise at the core of democratic governance.

Case law reinforces the strictness of these duties. In *Boardman v Phipps* [1967] 2 AC 46 (HL), the House of Lords held that fiduciaries must avoid even potential conflicts of interest, underscoring that loyalty must be absolute, not partial. By analogy, when Civil Service organisers both curated participation and benefitted reputationally from its outcomes, they operated under a structural conflict that undermined their fiduciary standing. The principle extends beyond private law. In *Mott v Environment Agency* [2018] UKSC 10, the Supreme Court emphasised that even legitimate exercises of discretionary power must be proportionate and fair. Mott's fishing licence was curtailed in pursuit of conservation goals, but the Court nonetheless recognised the injustice of arbitrary burdens placed on an individual without adequate justification. Transposed into the epistemic domain, citizens invited into participatory processes are comparably vulnerable: their time, expertise, and trust are extracted, yet the benefits are disproportionately reaped by the institution.

Bovens (2007) provides a useful lens for understanding these failures, distinguishing accountability as both a mechanism and a virtue. As a mechanism, accountability involves procedures for rendering accounts, answering questions, and justifying decisions to stakeholders. The Biennale workshops lacked such procedures: there were no channels through which participants could see, let alone challenge, how their contributions were processed. As a virtue, accountability is about cultivating trustworthiness and responsiveness in institutional culture. Here too the pavilion fell short, offering instead symbolic gestures designed to generate prestige within the Civil Service and accrue symbolic capital on the global stage (Bourdieu, 1984).

The fiduciary breaches visible in Knight and Morley's account thus resonate with what I have elsewhere described as *fiduciary hollowing* (Kahl, 2025c; Frankel, 2011): the erosion of fiduciary duties into symbolic performances. Institutions present themselves as transparent and accountable while strategically avoiding the substantive redistribution of power such duties require. In the Biennale pavilion, fiduciary hollowing was evident in the gap between the rhetoric of inclusivity and the reality of controlled participation.

These failures matter not only ethically but democratically. Fiduciary breaches in policy design corrode public trust, reducing participatory forums to exercises in institutional marketing. They also compromise democratic legitimacy. Rawls (1996) argued that the legitimacy of political power depends on its justification through public reason—processes intelligible and acceptable to free and equal citizens. Where fiduciary duties are breached, the justificatory basis collapses: citizens are invited to participate in name only, while real power remains concentrated in opaque institutional structures. The lesson of *Mott* is especially relevant: legitimacy cannot be preserved by outcomes alone; it requires procedures that are substantively fair and transparently justifiable.

Thus, the fiduciary dimension clarifies why the Biennale workshops cannot be dismissed as mere missteps in participatory design. They constitute structural failures of entrusted power, breaches of epistemic and democratic duty. Seen through this lens, epistemic clientelism is not just an internal pathology of institutions but a violation of the fiduciary obligations upon which democratic governance rests.

4.4 Conclusion to Chapter 4

The Biennale workshops, as curated and described by Knight, illustrate how institutional control, epistemic gatekeeping, and fiduciary breaches converge. From *Keech v Sandford* (1726) Sel Cas Ch 61 to *Boardman v Phipps* [1967] 2 AC 46 (HL), fiduciary jurisprudence has consistently affirmed the uncompromising standard of loyalty: even the appearance of self-interest is a breach. These cases ground the principle that entrusted power must never be exercised for institutional self-legitimation.

Public law analogues extend this reasoning to the state. In *Frame v Smith* [1987] 2 SCR 99 and *Guerin v The Queen* [1984] 2 SCR 335, the Supreme Court of Canada confirmed that fiduciary duties arise whenever discretionary authority is exercised over vulnerable groups. By analogy, the Civil Service—structuring participatory spaces where citizens are dependent upon its discretion—stands as fiduciary to the public. Its duties of loyalty, care, and transparency are therefore heightened, not optional.

UK jurisprudence reinforces the point through the principle of fairness. In *R v Secretary of State for the Home Department, ex p Doody* [1994] 1 AC 531 (HL) and *Ridge v Baldwin* [1964] AC 40 (HL), the courts made clear that discretionary power cannot be exercised without procedural fairness, including the duty to give reasons. The Biennale workshops, with their opacity around participant selection, criteria for evaluation, and uptake of contributions, fall short of this baseline. Citizens were invited into the process but denied the reasons that would render their participation meaningful.

The logic is further sharpened by *Mott v Environment Agency* [2018] UKSC 10, where the Supreme Court held that discretionary restrictions must be proportionate, balancing individual costs against public benefit. By analogy, when participatory forums solicit citizen input but restrict its impact without transparency or justification, they impose disproportionate costs on participants' epistemic autonomy while securing benefits—prestige, symbolic capital—for the institution.

Seen together, these authorities confirm that the Biennale workshops constitute fiduciary hollowing: the appropriation of fiduciary language—openness, accountability, stewardship—while avoiding the substance of fiduciary duty. Citizens entered under the promise of democratic co-creation but were used as instruments of institutional legitimation. This is not a benign design flaw but a structural betrayal of fiduciary responsibility, corroding both trust and democratic legitimacy.

The diagnosis is clear. If government practices reduce fiduciary–epistemic duty to theatre, reform cannot be cosmetic. It must re-specify the obligations institutions owe to citizens in epistemic contexts, ensuring that participation is not symbolic ritual but genuine redistribution of epistemic power. The next chapter develops such a framework of fiduciary–epistemic governance reforms, grounded in jurisprudence and democratic theory.

5. Serious Games and the Problem of Democratic Epistemology

5.1 Democratic Promise vs Epistemic Tokenism

The framing of the Biennale workshops as 'serious games' situates them within a growing repertoire of experimental methods for public participation. Advocates argue that game-based approaches can democratise governance by lowering barriers, encouraging creativity, and enabling participants to model complex trade-offs in policy contexts. Knight and Morley's description emphasises precisely this promise: a 'safe, engaging space' where diverse participants could explore climate challenges collaboratively. At first sight, this appears to exemplify the ideals of deliberative democracy—citizens empowered to co-create policy through dialogue and play.

Yet closer analysis reveals these workshops as paradigmatic examples of epistemic tokenism. The 'games' were not designed by participants, nor were their rules open to contestation. They were pre-scripted by the Civil Service and its partners, embedding institutional assumptions into the very structure of play. Participants

could act, but only within roles and parameters already defined for them. As Huizinga (1949) and Caillois (2001) remind us, games generate a 'magic circle': liberating in form but constraining in substance, since freedom exists only within the boundaries set by the rules. In policy contexts, this means that the design of the game is already the design of the epistemic field. Matteo Menapace (2023) makes this explicit in his practitioner-theoretical account of 'playable systems': rules are policy, and designing a game is designing a system of governance.

Cornwall (2004) has described such participatory practices as invited spaces—arenas bounded by institutions, in which the scope of acceptable contributions is tightly pre-scripted. The Biennale workshops fit this model precisely. Citizens were invited to participate, but only on terms determined by the Civil Service: the framing of the problems, the design of the games, and the range of admissible epistemic inputs. Far from empowering participants as co-creators, this form of invitation reinforced institutional authority by staging inclusivity while ensuring control of epistemic outcomes remained firmly in government hands.

Habermas (1996) identifies three normative preconditions for legitimate deliberation: equality of standing, freedom from coercion, and openness to revising positions in light of better arguments. None were realised here. Equality was compromised by the Civil Service's curatorial authority, which determined who participated and what knowledge counted. Freedom from coercion was undermined by subtler pressures of institutional expectation: participants knew that alignment with Civil Service framing would be welcomed, while dissent would be sidelined. Finally, openness to revision was absent on the part of organisers, since no mechanisms were in place to show how participant input could alter institutional commitments.

This gap between democratic promise and practice exemplifies what I have elsewhere termed *performative openness* (Kahl, 2025g). Inclusion was enacted in form but not in substance: participants were given the experience of deliberation without its institutional consequences. The workshops created what appeared to be a deliberative forum but functioned instead as a spectacle of participation, carefully designed to project inclusivity while maintaining institutional control. Marion Lean's (2023) Civil Service blog makes this explicit: serious games were deployed as showcases for participatory innovation at Civil Service Live, emphasising visibility and symbolism rather than policy uptake.

The parallel with legal standards of fairness is instructive. In *Ridge v Baldwin* [1964] AC 40, fairness required notice and hearing; in *Doody* [1994] 1 AC 531, reasons; in *UNISON* [2017] UKSC 51, meaningful access; and in Mott [2018] UKSC 10, proportionality. By analogy, epistemic participation requires notice of how contributions will count, reasons showing how inputs shape outcomes, access beyond mere symbolism, and a proportionate balance between institutional control and citizen autonomy. As Neset et al. (2020) argue in the context of climate adaptation, serious games can foster pluralism and reflexive learning—but only if their rules are transparent and inclusively designed. On each of these dimensions, the Biennale workshops fell short.

Viewed through the lens of *Epistemic Clientelism Theory* (Kahl, 2025c), this tokenism becomes intelligible as part of a broader economy of epistemic exchanges. Participants were offered symbolic recognition—visibility, quotations in blogs, invitations to future events—conditional upon alignment with institutional narratives. Genuine dissent, by contrast, carried the risk of marginalisation. In this sense, the workshops did not redistribute epistemic power but reaffirmed the Civil Service as broker of epistemic legitimacy, distributing recognition in ways that reinforced loyalty and conformity.

Foucault's (1995) analysis of disciplinary practices helps explain why this structure feels simultaneously liberating and constraining. The workshops 'enabled' participation by making citizens visible and by offering roles to play, but these roles were scripted to normalise certain behaviours and knowledge claims. Serious

games thus operated as technologies of governmentality: participants internalised the rules of the game as the horizon of their possible contributions.

The contrast with more genuinely deliberative innovations is stark. Citizens' assemblies in Ireland and France institutionalise feedback loops by requiring governments to publicly respond to recommendations (Farrell, Suiter & Harris, 2019; Landemore, 2020). Participatory budgeting in Porto Alegre directly linked deliberation to resource allocation (Baiocchi, 2005; Wampler & Avritzer, 2004; Fung, 2006). These examples demonstrate that fairness is not an abstract aspiration but a practical design requirement: transparency, traceability, and responsiveness are achievable where political will exists.

The Civil Service's 'serious games,' therefore, exemplify epistemic tokenism at its most polished. They appropriated the language and symbolism of democratic participation while denying participants any substantive epistemic influence. Far from empowering citizens as co-creators, the workshops disciplined them into playing by institutional rules, converting their participation into symbolic capital for the Civil Service rather than genuine democratic legitimacy.

5.2 Procedural Fairness and Transparency

If serious games are to be defended as democratic tools, they must be evaluated against standards of procedural fairness and epistemic transparency. Without these, they risk becoming little more than exercises in symbolic engagement. My own work on democratic processes and algorithmic governance, *Is Artificial Intelligence Really Undermining Democracy?* (Kahl, 2025d), emphasises that the legitimacy of participatory mechanisms depends less on their outward form than on whether participants can see how their contributions meaningfully influence outcomes. Transparency of criteria, fairness of procedures, and accountability of decision-makers are essential.

The Biennale workshops, as presented by Knight (2025), fell short on all three counts. First, there was no disclosure of the criteria by which participants were selected, nor of the epistemic assumptions that structured the games themselves. Without transparency in design, participants entered a closed epistemic field where the terms of engagement were already fixed. Second, there was no mechanism linking contributions to institutional action. The Civil Service promised co-creation but provided no evidence that outputs were recorded, synthesised, or integrated into policy. As Bovens (2007) reminds us, accountability requires both reasons and the possibility of sanctions; absent such channels, participation is merely symbolic. Third, the asymmetry of epistemic power was left unacknowledged. Habermas (1996) stresses that communicative legitimacy requires equality among participants. Yet civil servants retained curatorial authority, deciding what counted as knowledge worth carrying forward. This imbalance enacts what Fricker (2007) terms testimonial injustice: contributions from non-institutional participants were discounted by virtue of their positionality.

The legal–epistemic analogy clarifies this point. In administrative law, procedural fairness requires reason-giving (*Doody* [1994] 1 AC 531), notice and hearing (*Ridge v Baldwin* [1964] AC 40), and meaningful access to justice (*R (UNISON) v Lord Chancellor* [2017] UKSC 51). The Constitutional Court of South Africa in *President of the Republic of South Africa v South African Rugby Football Union* 1999 (4) SA 147 (CC) reinforced the same principle: fairness demands reasons and transparency sufficient to hold public power accountable. Elliott & Thomas (2024) similarly emphasise that UK public law binds public bodies to legality, fairness, and accountability whenever they exercise discretionary authority. By analogy, the Civil Service bore a fiduciary–epistemic duty to disclose the rationale of its games, ensure equality of epistemic standing, and provide real channels for contestation and uptake. Its failure to meet these standards demonstrates not only poor design but systemic disregard for fairness in epistemic governance. This logic is consistent with Rawls's (1999) conception

of justice as fairness: procedural rules must be structured ex ante to ensure that all citizens can participate on equal terms, not merely invited after decisions have been framed.

Practitioner accounts confirm the salience of this analogy. Menapace (2023) characterises policy games as playable systems: structured by rules that determine what actors can and cannot do, what counts as success or failure, and where agency lies. In his words, rules are policy. This reinforces the legal parallel: just as administrative law attaches fairness duties to the design of rules that govern public decision-making, participatory games must embed fairness and transparency at the design stage. Absent such safeguards, their rules predetermine outcomes while preserving institutional control.

Scholarly research underscores the stakes of this design stage. Neset et al. (2020), evaluating a digital serious game for urban climate adaptation, highlight both the potential of serious games to foster inclusivity and the risks of exclusion when design assumptions remain opaque. Their findings confirm that fairness duties apply not only to how games are played but to how they are structured: clarity of purpose, visibility of outcomes, and inclusivity in design are prerequisites for democratic legitimacy.

Here Dryzek's (2010) contribution is illuminating. He distinguishes between deliberative systems that foster authentic pluralism and those that merely simulate dialogue. The Biennale workshops fell into the latter category: they produced talk but left no traceable connection to decision-making. Deliberation without systemic uptake is indistinguishable from spectacle.

The contrast with more genuinely deliberative innovations highlights what was missing. In Ireland and France, citizens' assemblies are structured with formal documentation requirements and an obligation for governments to issue public responses, ensuring that recommendations enter the political process rather than remain symbolic (Farrell, Suiter & Harris, 2019; Landemore, 2020; Smith, 2009). Participatory budgeting in Porto Alegre institutionalised a direct link between citizen deliberation and the allocation of municipal resources, embedding transparency and accountability into budgeting practices (Baiocchi, 2005; Wampler & Avritzer, 2004; Fung, 2006). These models demonstrate that fairness is not an abstract aspiration but a practical design requirement: transparency of process, traceability of outcomes, and institutional responsiveness are achievable where political will exists.

The absence of fairness at the Biennale reinforced epistemic clientelism. Recognition was selectively distributed to those who echoed Civil Service narratives, as reflected in Knight and Morley's reliance on testimonials that praised the workshops rather than critiqued them. Transparency would have required publishing dissenting reflections alongside favourable ones and showing how all were addressed. Instead, loyalty was rewarded, dissent marginalised.

From a fiduciary perspective, this is a breach of duty. As I argued in *Directors' Epistemic Duties and Fiduciary Openness* (Kahl, 2025b), institutions entrusted with public decision-making owe duties of fairness, loyalty to truth, and transparency. By staging games without mechanisms for influence, the Civil Service abandoned these duties.

The danger of such practices is habituation: citizens and civil servants alike learn to mistake performance for substance. Here Bourdieu's (1984) notion of *habitus* is apt—symbolic rituals inculcate dispositions that render spectacle indistinguishable from participation. This dynamic parallels what I have elsewhere described as cognitive dissonance as an epistemic event (Kahl, 2025a): the tension between institutional promises of openness and the lived reality of scripted participation produces an illusory freedom, where the appearance of choice masks the absence of genuine epistemic agency. If workshops are deemed successful simply because they are attended and enjoyed, regardless of epistemic consequences, then the very idea of participatory

governance is hollowed out. Procedural fairness, far from being a technicality, is the condition that separates democratic participation from epistemic theatre.

This analysis sets the stage for §7.4, where I articulate *Fairness Duties in Participatory Design* as a normative framework. The Biennale case shows why such duties cannot remain implicit: without explicit design-stage commitments to transparency, accountability, and equality of standing, participatory mechanisms collapse into spectacle.

5.3 Epistemic Harms of Clientelism in Games

When evaluated through the framework of *Epistemic Clientelism Theory*, serious games such as those deployed in the Biennale pavilion expose a structural dynamic of tokenism. Rather than empowering participants as epistemic agents, the games create incentives to conform and disincentives to dissent, narrowing the range of legitimate contributions and thereby reducing epistemic plurality. This section analyses those harms in three dimensions: conformity pressures, penalties for dissent, and the broader impoverishment of democratic epistemology.

First, conformity pressures arise from the implicit rules embedded in the games themselves. As Foucault (1995) demonstrated, disciplinary mechanisms operate less through explicit coercion than by shaping the conditions of participation. Participants in the Biennale's "Serious Game to Save the Planet" were invited to deliberate on climate policy, but the structure of the game defined what kinds of trade-offs were thinkable, what perspectives counted as relevant, and which narratives were reinforced. Within such bounded structures, participants intuitively align their contributions with the expectations of the organisers. As I argued elsewhere, symbolic recognition—in the form of being quoted, invited back, or highlighted as a model participant—functions as the "currency" of epistemic clientelism (Kahl, 2025c). Those who conform to institutional scripts are rewarded; those who diverge are sidelined.

Second, dissenting voices face subtle but tangible penalties. Habermas (1996) outlined the preconditions for communicative rationality: equality of participation, absence of coercion, and reciprocity of uptake. In the Biennale workshops, these preconditions were compromised. Participants whose contributions diverged from the game's framing, or who sought to question the underlying institutional assumptions, were unlikely to find their interventions integrated into the outcome. In Fricker's (2007) terms, this represents both testimonial injustice—where credibility is withheld from dissenting speakers—and hermeneutical injustice—where the framework itself excludes certain interpretive possibilities. The harm here is not merely exclusion from the conversation but the delegitimation of alternative epistemic horizons.

Third, the cumulative effect of these dynamics is a systemic impoverishment of democratic epistemology. Games designed to project inclusivity instead foreclose genuine plurality, limiting the epistemic imagination of both participants and institutions. This narrowing is not accidental but functional: by constraining participation, institutions reduce the risk of epistemic disruption while enhancing their symbolic capital (Bourdieu, 1984). In the short term, this bolsters legitimacy; in the long term, it corrodes the trust and accountability on which democratic institutions depend (Bovens, 2007). The Civil Service's Biennale pavilion thus exemplifies how performative inclusion, when structured through clientelist incentives, produces epistemic harms that undermine both fiduciary duties of openness (Frankel, 2011; Kahl, 2025c) and the very conditions of democratic legitimacy.

These harms are not inevitable features of serious games per se. As Caillois (2001) and more recent participatory design scholarship emphasise, play can facilitate creativity, mutual recognition, and democratic

learning. But such benefits require transparent feedback loops, open-ended epistemic framing, and genuine uptake of participant contributions. Absent these safeguards, games function less as democratic tools than as institutional scripts—performances of openness that discipline participants into conformity while extracting symbolic capital for the organisers.

In short, the Biennale workshops demonstrate how epistemic clientelism colonises participatory forms, turning collaborative play into a mechanism of control. Recognition becomes contingent on alignment; dissent is muted; plurality is foreclosed. What emerges is not democratic co-creation but a simulation of it, an exercise that projects legitimacy while entrenching institutional authority.

5.4 Conclusion to Chapter 5

The Biennale workshops reveal the paradox of "serious games" in government policy design: tools ostensibly devised to democratise policymaking instead reproduced the structural logic of epistemic clientelism. Contributions were channelled into narrow institutional scripts, rewarding conformity, penalising dissent, and reducing epistemic plurality. What emerged was not deliberation in Habermas's (1996) sense but a carefully managed performance of openness.

The epistemic harms are threefold. First, conformity pressures narrowed the range of permissible contributions. Second, dissent was neutralised through testimonial and hermeneutical injustices (Fricker, 2007), depriving excluded voices of credibility and interpretive uptake. Third, the cumulative effect was democratic impoverishment: alternative epistemic horizons were foreclosed, replaced by an institutional simulation of inclusivity. These practices not only failed fiduciary duties of transparency and accountability (Frankel, 2011; Kahl, 2025c) but entrenched clientelist dynamics that corrode trust.

Doctrinal parallels in UK public law sharpen the critique. In *R v Secretary of State for the Home Department, ex p Doody* [1994] 1 AC 531 (HL), the House of Lords held that fairness requires the disclosure of reasons; the Civil Service's refusal to explain how contributions shaped outcomes mirrors this denial. In *Ridge v Baldwin* [1964] AC 40 (HL), fairness demanded notice and hearing; yet the workshops offered no mechanism for participants to challenge or reshape the Civil Service's framing. In *R (UNISON) v Lord Chancellor* [2017] UKSC 51, the Supreme Court confirmed that access to justice is a constitutional right; by analogy, access to epistemic participation must be substantive rather than symbolic. Finally, in *Mott v Environment Agency* [2018] UKSC 10, proportionality required balancing public benefit against individual loss; here, institutional control was prioritised at disproportionate cost to citizens' epistemic rights.

The doctrinal lesson is that fairness, whether in law or epistemic governance, is not satisfied by performance. Participation without reasons, notice, access, or proportionality fails both legal and epistemic standards. Serious games, absent these safeguards, become disciplinary technologies—rituals of inclusion that consolidate institutional authority rather than redistribute it.

In this light, Knight and Morley's pavilion illustrates the dangers of mistaking performance for substance. What was framed as co-creation functioned as *fiduciary hollowing*: the appropriation of fairness language while avoiding its substantive obligations. The next chapter situates these dynamics within broader institutional patterns of control and epistemic gatekeeping, showing how curated participation is inseparable from fiduciary breaches and failures of democratic responsibility.

6. Lack of Critical Reflexivity and Institutional Alienation

6.1 Reflexivity Deficit in Knight and Morley's Narrative

Knight and Morley's blog post, 'Taking policy design to a global public audience' (2025), presents the Civil Service's Biennale pavilion as an unequivocal triumph. He describes the event as a "milestone month," a "brilliant opportunity," and a "chance to celebrate" design leadership. Such rhetorical markers reveal the celebratory tone: the emphasis is on success, growth, and institutional prestige. What is conspicuously absent, however, is any acknowledgment of limitations, exclusions, or unanswered questions. Reflexivity—the willingness to interrogate one's own practices and expose institutional blind spots—does not figure in the narrative at all.

This omission is not trivial. Reflexivity is central to epistemic and democratic legitimacy because it signals an institution's capacity for self-critique and correction. As Bourdieu (1990) argued, reflexivity destabilises the unexamined assumptions of practice, forcing institutions to confront the social conditions that shape their authority. Similarly, Habermas (1996) ties legitimacy to the presence of rational-critical debate: without spaces where critique is possible, claims to public justification collapse into mere rhetoric. By omitting reflexivity, Knight and Morley's narrative forecloses precisely the dialogical conditions that confer democratic legitimacy.

In my own work, I have described this phenomenon as *fiducial hollowing* (Kahl, 2025c): the reduction of fiduciary duties of openness, care, and accountability into symbolic gestures of visibility. Knight and Morley's account exemplifies such hollowing. The pavilion is made visible to the public, but the epistemic boundaries of participation—who was included, how contributions were filtered, whether they influenced policy—remain opaque. Visibility without reflexivity thus becomes a mask for epistemic opacity.

A reflexive narrative would have looked very different. It might have asked: Who was excluded from participation, and why? Which dissenting perspectives were voiced but not incorporated? What biases structured the design of the "serious games"? What mechanisms ensured that workshop insights shaped actual Civil Service policy? None of these questions are raised. Instead, Knight and Morley's celebratory framing presents a closed loop of institutional self-affirmation, reinforcing what Foucault (1995) would call the disciplinary production of legitimacy: authority maintained not through critique but through the ritualised performance of success.

The absence of reflexivity thus produces epistemic alienation. Participants are invited to enact roles within a pre-scripted celebration of institutional achievement, rather than to contribute authentically to democratic deliberation. This sets the stage for what Heidegger (1962) identified as the slide into *das Man*: conformity to institutional scripts that effaces individual critical agency. In this way, the lack of reflexivity in Knight and Morley's account is not simply a rhetorical flaw—it exemplifies the epistemic logic of clientelism that this essay seeks to expose.

6.2 Heidegger on Authenticity vs Inauthenticity

Heidegger's analysis in *Being and Time* (1962) offers a powerful vocabulary for understanding the epistemic consequences of Knight and Morley's uncritical narrative. Central to Heidegger's phenomenology is the distinction between authenticity (*Eigentlichkeit*) and inauthenticity (*Uneigentlichkeit*). Authenticity denotes the capacity of individuals to confront their situatedness and exercise genuine agency; inauthenticity, by contrast,

describes the condition of *das Man*—the "they-self"—in which individuals conform unreflectively to prevailing norms, expectations, and institutional scripts.

The Biennale workshops, as described by Knight, exemplify this slide into inauthenticity. Participants were invited to "play" within the carefully constructed framework of "serious games," which claimed to open space for democratic co-creation. Yet these games encoded institutional assumptions into their very design: the problem scenarios, acceptable moves, and desirable outcomes were already set by Civil Service organisers. By stepping into this pre-scripted environment, participants enacted roles defined by the institution rather than exercising authentic epistemic agency.

From a Heideggerian perspective, this dynamic represents alienation from one's own critical potential. Instead of speaking from their authentic standpoint, participants were absorbed into *das Man*, reproducing what "one says" and "one does" within the institutional horizon. The veneer of openness—reinforced by Knight and Morley's celebratory narrative—masked the fact that participants' agency was already circumscribed by Civil Service design choices.

This insight extends the critique of reflexivity. Knight and Morley's omission of critical questioning does not merely fail to provide balance; it reinforces the structural tendency of institutions to produce inauthentic epistemic engagement. Without reflexive spaces that allow participants to step back, interrogate assumptions, and reclaim their agency, the institutional staging of participation inevitably drifts into conformity.

Here, Heidegger's analysis converges with my own formulation of epistemic clientelism (Kahl, 2025c). Clientelist dynamics thrive precisely where participants conform to pre-given expectations in exchange for symbolic recognition. In the Biennale context, this recognition took the form of institutional validation: being quoted, photographed, or invited to future events. Yet in accepting these rewards, participants risked forfeiting their authenticity, aligning their contributions with institutional scripts rather than their independent epistemic judgment.

Thus, Heidegger helps clarify the ontological stakes of epistemic clientelism. It is not only that institutions manipulate recognition, as Bourdieu (1984) and Fricker (2007) have shown, but that individuals themselves are drawn into inauthentic modes of being—surrendering their critical agency to the conformity of *das Man*. What Knight presents as democratic innovation is, through this lens, an institutional production of inauthenticity: a mode of engagement that undermines precisely the epistemic autonomy and authenticity it claims to foster.

6.3 Foucault on Symbolic Capital and Discipline

Where Heidegger illuminates the ontological dimension of inauthenticity, Foucault provides the critical tools for analysing the institutional mechanisms that produce and sustain it. In *Discipline and Punish* (1995), Foucault demonstrates how modern institutions govern not primarily through coercion but by organising spaces, rituals, and discourses that render individuals visible, comparable, and manageable. Disciplinary power operates through normalisation: individuals internalise the rules of participation and, in doing so, reproduce the institution's authority.

Knight and Morley's description of the Biennale workshops bears out this logic. The very structure of the "serious games" functioned as disciplinary technologies: they invited creativity but within a bounded environment, where the rules of play subtly aligned contributions with Civil Service expectations. Participants were encouraged to "explore trade-offs" and "listen to diverse perspectives," but only insofar as these exchanges reinforced the policy frames preselected by organisers. The ritual form of the workshop itself

disciplined participants into reproducing the institution's epistemic order while presenting this reproduction as collaborative freedom.

This disciplinary dimension extended beyond the workshops into the ceremonial events surrounding them. Knight highlighted receptions and gatherings of design leaders, describing them as opportunities to "celebrate" and "connect." Yet such rituals, in Foucault's sense, were more than social niceties: they distributed symbolic recognition, signalled hierarchies of prestige, and subtly reinforced expectations of epistemic loyalty. Being seen at Somerset House, photographed alongside senior officials, or quoted in Civil Service communications functioned as markers of symbolic capital—forms of institutional validation that both rewarded conformity and disciplined participants into continued alignment.

By situating Knight and Morley's pavilion within this Foucauldian framework, we can see that the Biennale was not merely a neutral platform for engagement but a carefully curated field of disciplinary power. The workshops and ceremonies worked together to normalise epistemic behaviour: participants learned not only what to say but how to say it, in what tone, and within which institutional boundaries. Dissent was not overtly prohibited; rather, it was rendered unthinkable by the structuring of the event itself.

This dovetails with Bourdieu's (1984) notion of symbolic capital: prestige, recognition, and legitimacy become the rewards for playing the institutional game correctly. Yet where Bourdieu emphasises the accumulation of capital, Foucault highlights the disciplinary processes by which individuals internalise the rules of its distribution. In the Biennale context, symbolic capital and disciplinary power combined to reinforce epistemic clientelism: recognition was selectively allocated, while the very structure of participation ensured alignment with Civil Service narratives.

Through this lens, Knight and Morley's uncritical celebration appears less as a description of democratic openness than as a reproduction of disciplinary legitimacy. The Biennale did not merely display policy design to the public; it disciplined participants and audiences alike into perceiving Civil Service practices as transparent, inclusive, and progressive—while in reality sustaining the asymmetries of epistemic authority.

6.4 Epistemic Alienation as Outcome

The combined effect of Knight and Morley's uncritical narrative, the Heideggerian inauthenticity it enacts, and the Foucauldian disciplinary mechanisms it embeds is what I call epistemic alienation. This is not merely the absence of reflexivity but the active displacement of participants from their own epistemic agency. Individuals enter such workshops with the promise of contributing to policy design, yet the institutional scripts constrain what can be said, how it can be said, and what recognition will follow. In aligning themselves with these scripts, participants secure symbolic legitimacy but lose the possibility of authentic epistemic engagement.

Heidegger helps us name this alienation: participants fall into *das Man*, the anonymous "they-self" that orients action toward conformity rather than authenticity (Heidegger, 1962). Instead of speaking from their own situated understanding, participants adopt the vocabulary, priorities, and assumptions laid out by the Civil Service. They become "they" in the very moment they are invited to act as "we."

Foucault sharpens this account by showing how alienation is not an accidental by-product but a structural effect of disciplinary organisation. The pavilion's serious games and ceremonial receptions produced a field of visibility in which epistemic conformity was both expected and rewarded. Recognition—the photo with officials, the quotation in a blog, the invitation to another event—became contingent upon alignment.

Alienation thus arises not only from the internalisation of roles but from the external reinforcement of conformity through symbolic capital.

The epistemic consequence is a narrowing of plurality. Dissenting voices are not silenced outright, but their contributions fail to register within the institutional framework. Fricker's (2007) notion of hermeneutical injustice captures this dynamic: interpretive resources are skewed so that certain perspectives cannot even count as knowledge. Participants who resist the Civil Service's framing of problems or propose radically alternative solutions experience their input as marginal, irrelevant, or unintelligible to the institutional ear. Alienation, then, is not merely individual disaffection but systemic exclusion.

At the same time, epistemic alienation corrodes the democratic promise of participatory policy design. The Biennale workshops were staged as opportunities for co-creation, but in practice they enacted what Habermas (1996) warned against: a forum where dialogue appears equal but is structured by hidden asymmetries. Citizens left with the impression of having participated, yet the absence of mechanisms linking their contributions to outcomes rendered their participation hollow. This is precisely the illusion of openness I have elsewhere termed performative inclusion (Kahl, 2025g).

The broader danger is that epistemic alienation, once routinised, produces cynicism. Citizens who repeatedly encounter such pseudo-participatory processes learn that their voices carry little substantive weight. They may continue to engage for symbolic recognition or out of civic duty, but the deeper trust required for genuine democratic accountability erodes. The Civil Service thus risks undermining not only epistemic justice but also its own legitimacy as a democratic institution.

In sum, Knight and Morley's pavilion exemplifies how the absence of critical reflexivity, combined with disciplinary mechanisms of recognition and conformity, culminates in epistemic alienation. What is lost is not simply the chance for innovative policy input but the very conditions of authentic democratic deliberation. The next chapter builds on this diagnosis by advancing fiduciary-epistemic governance reforms—structural interventions aimed at dismantling these patterns of alienation and restoring the conditions for epistemic justice, transparency, and genuine democratic accountability.

6.5 Conclusion to Chapter 6

The Biennale workshops illustrate how a deficit of critical reflexivity transforms participatory design into a theatre of institutional inauthenticity. Knight and Morley's narrative, celebratory rather than critical, epitomises the problem: the absence of reflexive mechanisms allowed the Civil Service to stage participation as unqualified success, while suppressing recognition of epistemic exclusions, dissent, and structural asymmetries. Participants were encouraged to enact roles prescribed by the institution, aligning themselves with the expectations of *das Man* (Heidegger, 1962), rather than engaging in authentic inquiry. In Foucault's (1995) terms, rituals of recognition and design leadership served as disciplinary tools, normalising conformity while muting dissent. The outcome was epistemic alienation: participants lost sight of their critical agency, reduced to symbolic actors within an institutional script.

This reflexivity deficit also constitutes a form of epistemic injustice. As Fricker (2007) observes, testimonial and hermeneutical injustices arise when voices are structurally discredited or when interpretive resources exclude critical perspectives. The Biennale exemplified both: dissenting participants were absorbed without uptake, while the institutional framing of "serious games" foreclosed alternative epistemic horizons.

Legal doctrine underscores why such failures cannot be dismissed as benign. In *Frame v Smith* [1987] 2 SCR 99, Wilson J identified discretion, power, and vulnerability as the hallmarks of fiduciary relationships. All three were present: the Civil Service exercised discretion in design, wielded power over epistemic recognition, and participants were structurally vulnerable to institutional scripting. Under such conditions, fiduciary duties of loyalty, care, and transparency are not optional but imperative. As *Guerin v The Queen* [1984] 2 SCR 335 confirmed, when state actors betray entrusted responsibilities to vulnerable publics, fiduciary breaches are engaged.

Equally, the reflexivity deficit parallels the reasoning in *Boardman v Phipps* [1967] 2 AC 46, where the House of Lords insisted that fiduciaries must avoid even the appearance of divided loyalty. By curating participation in ways that advanced institutional prestige, the Civil Service placed itself in a conflicted position: using citizens' trust to secure reputational gain. *Keech v Sandford* (1726) Sel Cas Ch 61, the foundational authority on fiduciary loyalty, reinforces this principle: fiduciaries must not profit from their position, even absent demonstrable harm. The Civil Service's appropriation of citizen participation for symbolic capital—media visibility, institutional legitimacy—fits squarely within this category of fiduciary–epistemic breach.

As I have elsewhere described, such practices amount to *fiduciary hollowing* (Kahl, 2025c): the use of fiduciary language—openness, accountability, stewardship—while avoiding the substantive redistribution of power these duties demand. In the Biennale pavilion, fiduciary hollowing was achieved by staging participation without reflexivity, converting citizen engagement into institutional capital while silencing dissent.

The normative stakes are clear. Reflexivity is not a luxury but a fiduciary–epistemic duty. Institutions entrusted with structuring public knowledge practices must scrutinise their own role, disclose criteria, and provide mechanisms for challenge. Without such reflexivity, participatory forums collapse into self-legitimating spectacles, undermining both fiduciary responsibility and democratic legitimacy. The Biennale pavilion thus exemplifies how epistemic clientelism, once stripped of reflexivity, leads to fiduciary breach, epistemic injustice, and democratic erosion.

Chapter 7 therefore turns from critique to reform. It proposes fiduciary–epistemic governance frameworks that operationalise transparency, accountability, and reflexivity—not as procedural enhancements but as normative obligations of entrusted power.

7. Proposed Solutions: Fiduciary–Epistemic Governance Reforms

7.1 Framework: Fiduciary–Epistemic Duties

The analysis of the Biennale workshops has shown that their failings were not incidental weaknesses of participatory design but structural breaches of what I call fiduciary–epistemic duties. When a public institution such as the Civil Service stages participatory forums, it does more than manage logistics or deliver symbolic exercises. It assumes discretionary authority over the epistemic participation of citizens—deciding who may speak, what counts as admissible knowledge, and how contributions are received or ignored. This asymmetry of power, combined with citizens' vulnerability as participants in state-curated processes, places the Civil Service squarely within the domain of fiduciary responsibility.

Fiduciary theory provides the conceptual grounding for this argument. Tamar Frankel (2011) famously systematised fiduciary duties as comprising loyalty, care, and transparency—obligations designed to prevent

fiduciaries from abusing discretionary power entrusted to them. While Frankel developed these principles for directors, trustees, and guardians, the logic extends to state officials who orchestrate participatory governance. The Civil Service's Biennale workshops, in presenting themselves as democratic exercises, implicitly undertook to act loyally (by stewarding participant contributions), carefully (by structuring fair processes), and transparently (by disclosing how participation was framed and evaluated). The failure to meet these standards —through opacity, selective amplification, and symbolic inclusion—constitutes not merely weak practice but a breach of fiduciary duty transposed into the epistemic domain.

Miller and Gold (2005) sharpen this point by describing fiduciary governance as relational rather than managerial. Fiduciaries are not simply managers of assets but custodians of relationships, where vulnerability and trust define the normative stakes. This relational understanding is crucial in participatory design. Citizens are not "resources" to be mined for ideas or legitimacy; they are epistemic stakeholders, entitled to assurance that their engagement will be respected. When officials instrumentalise participation to bolster institutional prestige while suppressing dissent, they betray the fiduciary relationship at its core.

I have elsewhere developed this extension of fiduciary theory into the epistemic domain. In *Directors' Epistemic Duties and Fiduciary Openness* (Kahl, 2025b), I argued that those who control knowledge flows bear duties of epistemic loyalty, epistemic care, and epistemic transparency. In *Epistemic Humility and the Transposition of Ethical Duties into Epistemic Duties* (Kahl, 2025h), I elaborated the normative foundations of this transposition: just as fiduciaries in law must act for beneficiaries rather than themselves, epistemic fiduciaries must act for epistemic plurality rather than institutional self-preservation. The Biennale workshops provide a test case: by controlling the epistemic agenda while projecting openness, the Civil Service hollowed out these duties, converting fiduciary responsibility into symbolic performance.

The fiduciary–epistemic framework dovetails with traditions of deliberative democratic theory. Gutmann and Thompson (2004) argue that legitimate democratic processes must satisfy two conditions: reciprocity (reasons must be offered in terms others can reasonably accept) and accountability (decision-makers must justify their actions publicly). Measured against these standards, the Biennale workshops collapse. Reciprocity was hollowed out because participants' contributions were channelled into the "serious games" format, which presupposed alignment with the Civil Service's framing of problems. Accountability was absent because no mechanism existed to show how contributions would shape subsequent policy, leaving participants without grounds to assess the value of their input.

Habermas (1996) offers a complementary baseline in his concept of communicative rationality: deliberation is legitimate only where participants meet as epistemic equals, free from coercion, and open to revision through better arguments. Again, the Biennale setting failed. The curation of participants undermined equality; institutional expectations created subtle coercion; and the absence of transparent feedback foreclosed openness to revision. What emerged was not communicative rationality but a simulation of it—an exercise in "managed dialogue" designed to accrue symbolic legitimacy rather than to redistribute epistemic power.

When viewed together, fiduciary theory and deliberative democracy provide mutually reinforcing grounds for critique. Fiduciary theory specifies the duties breached (loyalty, care, transparency), while deliberative theory explains why those breaches corrode democratic legitimacy. The Civil Service workshops exemplify the convergence of these failures: fiduciary betrayal of entrusted epistemic responsibility and democratic betrayal of the conditions for authentic deliberation.

The jurisprudence of fiduciary law underscores why these failures matter normatively. In *Keech v Sandford* (1726) Sel Cas Ch 61, Lord King held that a fiduciary must not profit even where no harm is shown, establishing

the uncompromising principle of loyalty. Transposed to participatory governance, this means the Civil Service cannot appropriate citizens' trust for reputational gain while disclaiming substantive obligations to them.

In *Boardman v Phipps* [1967] 2 AC 46 (HL), the House of Lords reaffirmed the strictness of fiduciary loyalty: even where fiduciaries act competently or secure benefit for the trust, failure to disclose conflicts breaches duty. Applied here, Knight and Morley's curatorial role, framed as facilitative, in fact created conflicts between institutional prestige and citizens' epistemic rights. The opacity of that role mirrors the opacity condemned in Boardman: appearances of propriety cannot excuse structural conflict.

Frame v Smith [1987] 2 SCR 99 (SCC) identified the three hallmarks of fiduciary relationships—discretion, power, and vulnerability. All three characterised the Biennale workshops. The Civil Service exercised discretion over design, wielded power over epistemic recognition, and participants were structurally vulnerable, lacking avenues to contest framing or ensure uptake. Once these conditions are met, fiduciary obligations follow.

Guerin v The Queen [1984] 2 SCR 335 (SCC) further confirms that fiduciary duties attach to state actors where discretionary authority is exercised on behalf of vulnerable publics. The Biennale workshops exemplify precisely such a context: citizens were invited under conditions of reliance, yet their contributions were instrumentalised to serve institutional self-legitimation rather than democratic co-creation.

These cases illustrate that fiduciary responsibility is not confined to private law but informs the state's duty whenever entrusted power and vulnerability intersect. Combined with fiduciary theory (Frankel, 2011; Miller & Gold, 2005; Kahl, 2025c, 2025h) and deliberative democracy (Gutmann & Thompson, 2004; Habermas, 1996), they establish a compelling normative framework: officials structuring participatory processes must uphold fiduciary–epistemic duties of loyalty to epistemic plurality, care in the design of epistemic spaces, and transparency of criteria. To do otherwise is to collapse both fiduciary and democratic legitimacy, reducing participation to the theatre of openness and the reproduction of epistemic clientelism.

Taken together, the jurisprudence shows that fiduciary duties are defined by strictness and non-negotiability: even the appearance of divided loyalty, self-interest, or opacity is treated as breach. When transposed into participatory governance, this means the Civil Service is bound not simply to stage opportunities for dialogue but to ensure that these opportunities honour citizens' epistemic rights. Any appropriation of participation for prestige, any opacity in criteria, any selective amplification of voices, amounts to a fiduciary–epistemic breach.

This is what I have elsewhere described as *fiduciary hollowing* (Kahl, 2025c): the erosion of substantive fiduciary obligations into symbolic performances. Institutions adopt the language of openness, stewardship, and accountability, yet hollow out these concepts by instrumentalising them for institutional gain. The Biennale workshops epitomised this phenomenon. What was presented as participatory democracy was in fact a performance that converted citizen trust into symbolic capital, while avoiding the genuine redistribution of epistemic power fiduciary duties demand.

The integration of fiduciary jurisprudence, fiduciary theory, and deliberative democracy therefore sharpens the normative stakes. Fiduciary–epistemic duties are not aspirational ideals; they are the baseline conditions of legitimate governance. Their hollowing corrodes trust, undermines accountability, and perpetuates epistemic clientelism. The next section (§7.2) translates this framework into concrete reforms: operational measures designed to institutionalise transparency, accountability, reflexivity, and democratic co-creation in government policy design.

7.2 Reform Measures

If fiduciary–epistemic duties are to serve as a normative baseline for participatory governance, they must be operationalised in concrete institutional practices. Abstract commitments to transparency, accountability, and inclusivity are insufficient; without procedural embodiment, they risk collapsing into the very fiduciary hollowing that has plagued the Civil Service's workshops. I therefore propose five mutually reinforcing reforms: epistemic transparency, genuine epistemic influence, fiduciary accountability, critical reflexivity, and democratic co-creation.

7.2.1 Epistemic Transparency

Transparency is the fiduciary duty most frequently invoked yet most frequently hollowed. As Frankel (2011) insists, fiduciaries are obliged to disclose not only outcomes but also processes: how decisions are reached, which criteria are applied, and why particular interests are prioritised. In the epistemic domain, this translates into disclosure of (a) participant selection criteria, (b) the epistemic assumptions embedded in workshop design, and (c) the mechanisms by which outputs are considered in policy deliberations.

Without such disclosure, citizens cannot know whether their input is taken seriously or erased. The absence of reasons in the Biennale workshops mirrors the breach identified in Doody [1994] 1 AC 531: fairness requires not just participation but justification. By publishing criteria and decision pathways, institutions can restore the duty of reasons to epistemic governance, ensuring that participation does not vanish into opacity.

7.2.2 Genuine Epistemic Influence

Participation without influence is theatre. Fiduciary loyalty to citizens requires more than offering a stage; it requires ensuring that contributions can alter outcomes. Miller and Gold (2005) conceptualise fiduciary governance as relational custodianship, obliging fiduciaries to nurture the entrusted relationship itself. Transposed here, officials must create feedback loops that show how citizen input has shaped policy choices, or, if not adopted, why not.

This reform aligns with deliberative democratic requirements of reciprocity and accountability (Gutmann & Thompson, 2004). Citizens must see that their arguments are not only heard but weighed in good faith. To borrow from *Mott v Environment Agency* [2018] UKSC 10, proportionality requires balancing institutional interests against the epistemic rights of participants: if contributions are excluded, the reasons must be made explicit and justified. Only then can participation rise above symbolic inclusion and meet the threshold of fiduciary–epistemic legitimacy.

7.2.3 Fiduciary Accountability

Accountability is the mechanism by which fiduciary promises are enforced and not left to goodwill. As Bovens (2007) explains, accountability functions both as a mechanism—structured opportunities for review, justification, and sanction—and as a virtue—an institutional culture of answerability. In the Civil Service context, both dimensions were absent at the Biennale workshops: there were no avenues for participants to question how their contributions were handled, nor were officials obliged to account publicly for the epistemic fate of inputs.

To rectify this, participatory design must include independent oversight bodies tasked with auditing both the process and its outputs. These bodies should be empowered to require disclosure of criteria, review uptake of

contributions, and publish evaluations. Such oversight mirrors the fiduciary duties enforced in *Boardman v Phipps* [1967] 2 AC 46, where strict accountability was imposed even absent demonstrable harm. The principle is clear: entrusted power must be supervised rigorously, not indulgently. Without such fiduciary accountability, participatory governance collapses into fiduciary hollowing, where institutions reap symbolic benefits without substantive duties.

7.2.4 Critical Reflexivity

Reflexivity is the capacity of institutions to scrutinise their own assumptions, acknowledge exclusions, and create spaces for dissent. Its absence in the Biennale workshops was stark: Knight and Morley's celebratory narrative contained no recognition of epistemic asymmetries or structural exclusions. This deficit transformed the workshops into exercises of epistemic inauthenticity, in Heidegger's sense (1962), where participants were cast into roles of *das Man* rather than invited to reclaim authentic agency.

Fiduciary–epistemic duty requires not only transparency but critical reflexivity: institutions must evaluate how their participatory designs privilege certain epistemologies, silence dissent, or reward conformity. Reflexivity mechanisms might include structured evaluation panels with citizen representatives, mandatory publication of critiques alongside official accounts, and explicit documentation of dissenting perspectives. Jurisprudentially, this resonates with *Keech v Sandford* (1726), which imposed an uncompromising duty of loyalty on fiduciaries. Reflexivity is the epistemic analogue of this loyalty: a refusal to allow institutional self-interest or self-congratulation to obscure the vulnerabilities of those whose trust is engaged.

By embedding reflexivity into participatory processes, institutions can begin to counteract the epistemic clientelism that otherwise structures them. Reflexivity is not a luxury add-on but an indispensable fiduciary–epistemic duty, ensuring that openness is substantive rather than performative.

7.2.5 Democratic Co-Creation

The most ambitious, yet essential, reform is the move from symbolic inclusion to democratic co-creation. In the Biennale workshops, participants were asked to play within pre-scripted games, but they were not involved in shaping the questions, framing the problems, or setting the criteria for epistemic uptake. This rendered their participation tokenistic. Genuine co-creation requires shifting authority so that citizens are not merely invited to contribute within institutional frames but empowered to shape those frames themselves.

The normative foundation for such co-creation lies in deliberative democratic theory. Gutmann and Thompson (2004) argue that legitimacy requires reciprocity—reasons must be mutually acceptable under fair terms—and accountability—decisions must be justified publicly. Neither condition can be satisfied if institutions monopolise the framing of participatory processes. Habermas (1996) likewise insists that communicative rationality presupposes not only equality among participants but their shared authorship of the deliberative space itself. Democratic co-creation is therefore the operationalisation of communicative legitimacy: citizens are involved from the beginning, not merely appended at the end.

Fiduciary jurisprudence reinforces this duty. In *Frame v Smith* [1987] 2 SCR 99, Wilson J emphasised that fiduciary relationships are defined by discretion, power, and vulnerability. When governments design participatory mechanisms, they hold discretionary power over epistemic agendas; citizens are structurally vulnerable if confined to symbolic input. Loyalty to beneficiaries therefore requires ceding some of that discretion, allowing publics to co-author not only answers but the questions themselves.

Practical mechanisms for co-creation include open agenda-setting exercises, collaborative design of participation criteria, and mandatory consultation on framing assumptions before deliberation begins. These measures ensure that citizens are not treated as performers in a pre-staged theatre of openness but as genuine co-creators of democratic knowledge practices. Only then can participatory governance satisfy its fiduciary–epistemic duties of loyalty, care, and transparency.

7.3 Comparative Models

The failures of the Biennale workshops should not lead us to dismiss participatory design altogether. Comparative models illustrate both the potential and the limits of institutional innovation, and they clarify how fiduciary–epistemic grounding can transform deliberative practices from tokenistic gestures into legitimate exercises of democratic authority.

Participatory Budgeting (Porto Alegre).

The pioneering experience of Porto Alegre demonstrates how decision-making power can be substantively redistributed. Citizens were not only invited to deliberate but given real authority over budget allocations, creating visible linkages between participation and material outcomes. This model represents a partial fulfilment of the fiduciary–epistemic duty of proportionality: institutional control was balanced against citizens' epistemic rights, echoing the reasoning in *Mott v Environment Agency* [2018] UKSC 10. Yet, as Fung (2006) and Smith (2009) note, the success of participatory budgeting depends on institutional will. When transposed into other jurisdictions, it has often been hollowed out—stripped of its redistributive force and reduced to clientelist performances of inclusion. ECT illuminates this degeneration: where decision power is not genuinely surrendered, epistemic autonomy is exchanged for symbolic recognition, perpetuating the very clientelist logic Porto Alegre sought to resist.

Citizens' Assemblies (Ireland, France).

Citizens' assemblies represent another strand of innovation, institutionalising stronger feedback loops. In Ireland and France, governments were obliged to respond publicly to assembly recommendations, providing a form of accountability aligned with the fiduciary–epistemic duty of reasons, as articulated in *R v Secretary of State for the Home Department, ex p Doody* [1994] 1 AC 531. Gutmann and Thompson's (2004) conditions of reciprocity and accountability are more robustly met here than in the Biennale workshops, as governments must justify acceptance or rejection of proposals. Yet even these assemblies are not immune to clientelist dynamics. As Dryzek (2010) warns, agenda-setting remains vulnerable to elite framing. When the scope of deliberation is defined in advance, participants may deliberate freely within the given frame but cannot contest the frame itself. From an ECT perspective, this constitutes symbolic inclusion: citizens are welcomed to deliberate, but only within boundaries that leave institutional prerogatives untouched.

Hybrid Models.

The challenge, then, is to combine the strengths of participatory budgeting (redistribution of power) with the procedural safeguards of citizens' assemblies (feedback loops), while embedding fiduciary–epistemic duties as structural safeguards. Without fiduciary grounding, deliberation risks devolving into tokenism; without deliberation, fiduciary standards risk hardening into mere legalism. Hybrid models could mitigate these risks by integrating:

- **Independent fiduciary audits**, akin to Ombudsman-style oversight, to review participatory processes for fairness, transparency, and proportionality.

- **Statutory obligations of epistemic disclosure**, requiring governments to publish criteria, reasons, and uptake of citizen input, thereby institutionalising duties of notice and reasons (*Ridge v Baldwin* [1964] AC 40; *Doody* [1994]).

- **Co-created agenda-setting**, where citizens help define the very questions deliberated upon, countering elite framing and resisting epistemic clientelism.

These hybrid designs would operationalise Habermas's (1996) vision of communicative rationality by guaranteeing conditions of equality, openness, and freedom from coercion. More importantly, they would recast government not as the broker of epistemic loyalty but as fiduciary custodian of epistemic plurality. By grounding deliberative practices in enforceable fiduciary–epistemic duties, participatory governance can move beyond the curated spectacles of Knight and Morley's Biennale pavilion toward practices that genuinely redistribute epistemic power.

7.4 Fairness Duties as Design Obligations

As shown in §5.2, the failures of the Biennale workshops were not incidental oversights but structural features. Their opacity, lack of accountability, and inequality of standing illustrate why fairness cannot be treated as a background assumption. It must be built into the design of participatory processes as a binding obligation.

This section advances a doctrinally grounded framework that translates principles of fairness from public law into the epistemic domain. The four *Fairness Duties in Participatory Design* function as a normative checklist (Table 1):

Duty	Doctrinal Anchor	Epistemic Application	Breach in Biennale Workshops
Duty of Notice	*Ridge v Baldwin* [1964] AC 40 (HL)	Participants must know in advance the rules of engagement, scope of deliberation, and criteria for admissible contributions.	No disclosure of selection criteria, workshop design, or uptake mechanisms; participants entered a pre-scripted field.
Duty of Reasons	*R v Secretary of State for the Home Department, ex p Doody* [1994] 1 AC 531 (HL); *President of the Republic of South Africa v South African Rugby Football Union* 1999 (4) SA 147 (CC)	Institutions must explain how contributions are considered, synthesised, or set aside, to prevent epistemic erasure.	No reasons given for how input was treated; no trace of participant contributions in Civil Service outcomes.
Duty of Access	*R (UNISON) v Lord Chancellor* [2017] UKSC 51	Access to epistemic participation must be substantive, not symbolic; citizens are entitled to influence, not just presence.	Participation reduced to symbolic gestures; contributions carried no institutional weight or substantive channel of influence.
Duty of Proportionality	*Mott v Environment Agency* [2018] UKSC 10	Institutional control must be balanced against citizens' epistemic rights; prestige cannot outweigh fairness.	Civil Service maximised institutional prestige while minimising citizen influence; no balancing evident.

Table 1.
Fairness Duties in Participatory Design

These duties extend Rawls's (1999) *justice as fairness* into the participatory design context, operationalising equality, transparency, and proportionality as binding fiduciary–epistemic responsibilities.

Together, these duties correspond to *fiduciary–epistemic responsibilities*: loyalty to epistemic plurality, care in structuring participation, transparency in decision-making, and proportionality in balancing institutional authority with citizen autonomy. The Biennale workshops violated each of these standards, exemplifying how epistemic clientelism corrodes both fiduciary responsibility and democratic legitimacy.

7.5 Conclusion to Chapter 7

This chapter has argued that the failures of the Biennale workshops are not incidental missteps in participatory design but breaches of fiduciary–epistemic duty. By extending fiduciary theory into the epistemic domain, I have shown that public institutions are bound not only by duties of care, loyalty, and transparency (Frankel, 2011) but also by obligations to steward epistemic plurality, ensure procedural fairness, and disclose decision-making criteria (Kahl, 2025c; 2025h). Complementing this with deliberative democratic principles of reciprocity and accountability (Gutmann & Thompson, 2004; Habermas, 1996), the analysis establishes a dual normative foundation: fiduciary–epistemic duties on one hand, and deliberative conditions of legitimacy on the other.

Building on this framework, the chapter translated theory into reform proposals. These included measures of epistemic transparency, genuine influence mechanisms, fiduciary accountability structures, critical reflexivity, and democratic co-creation. To guard against mere rhetoric, I proposed fairness duties—notice, reasons, access, and proportionality—grounded in public law jurisprudence (*Ridge v Baldwin* [1964]; *Doody* [1994]; *UNISON* [2017]; *Mott* [2018]) and re-specified for participatory contexts. Presented as a structured evaluative checklist, these fairness duties offer a practical, doctrinally grounded tool for assessing whether participatory processes meet their fiduciary and democratic obligations.

The originality of this contribution lies in combining fiduciary jurisprudence, epistemic justice, and deliberative theory into a single normative blueprint for participatory governance. Rather than diagnosing tokenism alone, it provides a reform architecture capable of operationalising epistemic justice within institutional practice.

The next chapter turns from normative proposals to synthesis. Chapter 8 will consolidate the findings of this inquiry, reiterating how epistemic clientelism and performative openness corrode trust, legitimacy, and epistemic plurality. It will conclude with a call for government bodies, policymakers, and stakeholders to adopt fiduciary–epistemic governance reforms as a necessary condition for genuine epistemic justice and democratic accountability.

8. Conclusion

8.1 Summary of Findings

This study began with Knight and Morley's celebratory blog post about the Civil Service's participation in the London Design Biennale, presenting "serious games" and curated workshops as democratic innovations. On the surface, such initiatives appeared to embody transparency, inclusion, and participatory governance. Yet,

analysed through the framework of *Epistemic Clientelism Theory* (Kahl, 2025c), they revealed themselves as carefully managed performances of openness.

The central finding is that the Biennale workshops functioned less as authentic democratic deliberation than as paradigmatic instances of performative openness. Participation was staged to project inclusivity, but epistemic boundaries were tightly controlled through curatorial gatekeeping, selective amplification of loyal voices, and procedural opacity. Far from redistributing epistemic agency, the workshops entrenched a logic of epistemic clientelism: citizens traded epistemic autonomy for symbolic recognition, while the Civil Service accrued legitimacy and symbolic capital on the global stage.

The consequences of this dynamic are threefold.

1. **Marginalisation of dissent**. Contributions diverging from institutional expectations were structurally sidelined, exemplifying testimonial and hermeneutical injustice (Fricker, 2007). The Civil Service set the parameters of admissible knowledge, ensuring that disruptive epistemologies could not penetrate the curated forum.

2. **Pressures of conformity**. Participants internalised the rules of "serious games," aligning their interventions with Civil Service framings. Heidegger's (1962) analysis of *das Man* captures this condition: individuals enacted roles prescribed by the institution, reproducing epistemic inauthenticity rather than exercising genuine critical agency.

3. **Fiduciary breaches**. By presenting participation as meaningful while withholding transparency about criteria, uptake, and outcomes, the Civil Service failed to uphold fiduciary–epistemic duties of loyalty, care, and transparency (Frankel, 2011; Kahl, 2025c). Legal analogies—from *Keech v Sandford* (1726) to *Mott v Environment Agency* [2018]—demonstrate that entrusted power carries strict obligations, and that even appearances of self-serving conduct undermine fiduciary legitimacy.

In short, the Biennale workshops were not instances of democratic innovation but case studies in epistemic control. They illustrate how performative openness and epistemic clientelism corrode the very foundations of democratic legitimacy, reducing participation to symbolic spectacle and hollowing out fiduciary responsibility.

8.2 Urgency of Reform

The findings in this study underscore not only the descriptive failure of the Civil Service's Biennale workshops but also the normative urgency of reform. At stake is more than the design of one event; what emerges is a structural pathology of government participation that corrodes public trust, undermines fiduciary responsibility, and erodes the very conditions of democratic legitimacy.

First, the demand for epistemic justice. As Fricker (2007) has shown, testimonial and hermeneutical injustices are not incidental harms but systematic exclusions that deprive individuals and groups of their rightful epistemic standing. When government institutions stage participatory processes that marginalise dissent and pre-structure recognition, they reproduce these injustices at scale. The Biennale workshops, by selectively amplifying praise while silencing critique, enacted precisely this dynamic. Without urgent reform, participatory design risks becoming a vehicle for perpetuating epistemic injustice rather than correcting it.

Second, the duty of fiduciary openness. Fiduciary theory makes clear that discretionary power exercised over vulnerable parties demands heightened duties of loyalty, care, and transparency (Frankel, 2011; Miller & Gold,

2005). Jurisprudence has repeatedly reinforced this principle—from *Keech v Sandford* (1726), which forbids fiduciaries from profiting even where no harm is apparent, to *Mott v Environment Agency* [2018] UKSC 10, which insists on proportionality in state exercises of discretionary power. By analogy, when government curates public engagement, it cannot rely on symbolism or spectacle; it must demonstrate how contributions are taken up, weighed, and translated into action. Anything less is a breach of entrusted authority.

Third, the imperative of authentic democracy. Rawls (1996) insists that political legitimacy requires the exercise of public reason: justification of political power in terms accessible to all citizens under fair conditions. Habermas (1996) adds that communicative rationality presupposes equality, non-coercion, and openness to revision. The Biennale workshops met none of these conditions. Instead, they illustrate how easily democratic language—'openness', 'participation', 'co-creation'—can be hollowed out by institutions seeking legitimacy without accountability. As I have argued elsewhere, this gap between democratic promise and tokenistic practice produces *cognitive dissonance as an epistemic event* (Kahl, 2025a): citizens confronted with repeated contradictions between rhetoric and reality adjust by internalising bounded freedom, mistaking performance for substance. Over time, this habituation entrenches epistemic clientelism as common sense. It becomes embedded within what I have elsewhere called the *epistemic architecture of power* (Kahl, 2025e): institutional arrangements that normalise selective recognition, choreographed inclusion, and asymmetrical authority. Once naturalised, such architectures not only entrench loyalty-based epistemic exchanges but also make reform ever harder to achieve.

For these reasons, reform cannot wait. The Civil Service's practices highlight the risks of epistemic hollowing: where fiduciary duties are reduced to rhetoric, where democratic ideals are staged but not realised, and where citizens are invited to perform participation without power. Unless participatory design is grounded in fiduciary–epistemic governance, the trajectory is clear: the further entrenchment of epistemic clientelism, the erosion of democratic trust, and the continued marginalisation of diverse epistemic voices.

The urgency of reform is thus both philosophical and practical. Philosophical, because epistemic justice and fiduciary loyalty are non-negotiable principles of fair governance. Practical, because the longer institutions rely on symbolic participation, the deeper the trust deficit grows, and the more fragile democratic legitimacy becomes.

8.3 Call to Action

This study has shown that the Civil Service's Biennale workshops were not isolated missteps but emblematic of a broader structural pathology: epistemic clientelism masquerading as democratic participation. The implications extend beyond one case study. If participatory design continues to operate under conditions of performative openness, curated gatekeeping, and fiduciary breach, the result will be a steady erosion of epistemic plurality, accountability, and trust. Reform is not optional—it is imperative.

To policymakers. Those entrusted with structuring participatory processes must recognise their fiduciary–epistemic duties. Just as fiduciary jurisprudence holds trustees and directors to strict standards of loyalty and transparency (*Keech v Sandford*, 1726; *Boardman v Phipps* [1967]; *Guerin v The Queen* [1984]), so too must public institutions be bound to disclose criteria, provide reasons, and demonstrate proportionality (*Doody* [1994]; Mott [2018]). Policy design cannot remain a symbolic exercise in institutional self-legitimation. It must become a genuine practice of fiduciary stewardship, where citizens are treated not as performers in a staged game but as co-authors of democratic decisions.

To academics. Scholars across philosophy, law, and political science must take epistemic participation seriously as a domain of normative inquiry. The frameworks of epistemic injustice (Fricker, 2007), communicative rationality (Habermas, 1996), and fiduciary governance (Frankel, 2011; Miller & Gold, 2005) are indispensable but incomplete until they are explicitly linked to the epistemic design of public institutions. My proposal for fiduciary–epistemic governance, together with the fairness duties articulated in Chapter 7, is intended as a blueprint for such integration. Further scholarship is needed to test, refine, and institutionalise these ideas in comparative contexts.

To citizens. Participatory democracy is only as strong as the vigilance of those it purports to serve. Citizens must demand more than invitations to symbolic inclusion. They must insist on notice of rules, reasons for decisions, substantive access to influence, and proportionality in institutional control. These are not privileges to be granted at the discretion of officials; they are baseline entitlements of democratic life. Where they are denied, citizens are justified in challenging the legitimacy of the institutions that deny them.

The broader principle is clear. Epistemic plurality is not a luxury but a condition of democratic legitimacy. Governments cannot claim to act in the name of the people while staging participation that excludes, disciplines, or silences dissenting voices. To prevent epistemic hollowing, participatory design must be re-specified as a fiduciary–epistemic practice, grounded in duties of care, loyalty, transparency, and fairness.

The call to action is therefore unambiguous: adopt fiduciary–epistemic governance as the normative baseline of participatory design. Only by embedding these duties into law, policy, and institutional culture can we move beyond clientelism and towards authentic democratic accountability.

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R v Secretary of State for the Home Department, ex p Doody [1994] 1 AC 531 (HL) (fairness requires reasons to be given in administrative decision-making).

Canada

Frame v Smith [1987] 2 SCR 99 (articulated indicia of fiduciary relationships: scope, vulnerability, discretion).

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Edition History

Edition	Description of Changes	Epistemic Impact	Date
—	Initial release under title *A Critical Look at Andrew Knight's Blog Post: Towards Genuine Epistemic Justice and Democratic Accountability in Government Policy Design*.	None	2025-07-23
2	Changed title to *Government Policy Design is a Serious Game: Towards Genuine Epistemic Justice and Democratic Accountability*. Expanded analyses by lenses of *Epistemic Clientelism Theory* (ECT), Foucault, Heidegger.	Stronger arguments and clarity.	2025-07-29
3	New title *Government policy design is a serious game: Fairness Duties in Participatory Design as a normative framework for democratic epistemology* and strengthens the argument by integrating fiduciary case law and fairness duties into the analysis. Key chapters have been expanded to embed legal–epistemic analogies, sharpen conclusions, and foreground the work's normative and interdisciplinary scope.	A shift from descriptive critique to a jurisprudentially grounded framework. The revisions clarify the argument, enhance originality, and consolidate the work as a normative contribution to democratic epistemology with direct relevance for law, philosophy, and political theory.	2025-09-17

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