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The Fiduciary Breach of the Modern University

Fiduciary Law and the Epistemic Constitution of the Fourth Estate

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Abstract

This paper develops a fiduciary–constitutional theory of knowledge by diagnosing the modern university as a core organ of the epistemic estate undergoing systemic fiduciary breach. Building on *Redefining Democracy for the Age of AI* (Kahl 2025k), *Epistemic Gatekeepers as the Fourth Estate* (Kahl 2025l) and *Epistemic Clientelism Theory* (Kahl 2025h), the study argues that universities—historically conceived as trustees of public reason—have been transformed into hybrid entities divided between epistemic duty and market survival. Through this inversion, universities cease to function as fiduciaries of knowledge and instead become agents of epistemic capture.

The analysis proceeds across macro-institutional, micro-psychological, and constitutional levels. Chapter 3 examines the structural breaches produced by managerial opacity, network capture and branding-based optocracy. Chapter 4 extends the argument into epistemic psychology, using the *Kahl Model of Epistemic Dissonance* (KMED) alongside Friston's predictive-coding and Carhart-Harris's entropic-brain models to show how fiduciary breach conditions cognition: dissonance is suppressed, plurality narrows, and anticipatory obedience becomes a psychological norm. Chapter 5 reconstructs the constitutional consequences of this process, tracing the evolution of peer-review cartels, media–consultancy complexes, and algorithmic gatekeeping into an epistemic market state in which credibility is brokered rather than deliberated.

Chapter 6 proposes juridical and institutional reforms through the *Epistemic Fiduciary University* (EFU) and the *Fiduciary Commission for Knowledge Integrity*, embedding fiduciary duties of candour, care, loyalty and accessibility as enforceable standards across the epistemic estate. Chapter 7 advances the philosophical foundations of this framework. Drawing on Arendt's conception of a shared world of appearance and Habermas's account of communicative legitimacy, it presents re-commoning as a constitutional remedy: a reconstruction of the epistemic commons in which knowledge is restored as a public trust rather than a proprietary good.

The paper concludes that fiduciary law, epistemic virtue and institutional openness together constitute democracy's moral infrastructure. The survival of an open society depends upon preserving a fiduciary order of knowing—an epistemic constitution in which the openness of thought and the openness of governance stand or fall together.

Keywords

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1. The University as Fiduciary of Knowledge

1.1 Context and Rationale

From its earliest institutional forms in Bologna and Paris to the nineteenth-century civic universities, the university has been tacitly bound to a moral trust: the exercise of learned privilege for the public's epistemic welfare. Newman located the telos of the university in the 'perfection or cultivation of the intellect'—a disinterested pursuit oriented to knowledge for its own sake yet with civic consequence (Newman, 1852/1907, pp. xiii–xviii, 97–103). Humboldt's Bildung similarly tied freedom of research and teaching to the formation of autonomous citizens; state support was justified precisely to secure this independence (Humboldt, 1809/1990, pp. 237–241, 248–251). On Collini's reading, these traditions encode an implicit fiduciary logic—entrustment, candour, and loyalty to the wider culture—that underwrites the university's social licence (Collini, 2012, pp. 11–13, 205–210).

Within fiduciary jurisprudence, Tamar Frankel's foundational insight that fiduciary law civilises power provides a parallel legal grammar for this moral trust (Frankel, 1983; 2011). DeMott's analysis of fiduciary obligation as a relation grounded in vulnerability and justified reliance further clarifies why public institutions exercising discretionary authority must be bound by duties of candour and loyalty (DeMott, 1988). Subsequent work by Gold and Miller has shown that fiduciary law's architecture of trust and accountability extends beyond private law into the governance of institutions (Gold & Miller, 2014; Miller & Gold, 2015). In this broader frame, the university appears as a paradigmatic fiduciary institution: it holds discretionary power over the creation and mediation of truth, exercising judgment on behalf of those who depend on its epistemic integrity (Smith, 2014; Criddle, Miller, & Sitkoff, 2019).

In the United Kingdom and comparable systems, that fiduciary settlement has been progressively re-engineered. Since the late twentieth century, marketisation has layered quasi-contractual relationships over collegial forms: funding tied to performance targets, tuition-fee regimes reframing students as consumers, and metrics translating scholarly judgment into auditable signals (Brown & Carasso, 2013, pp. 15–20, 22–29; Deem, Hillyard, & Reed, 2007, pp. 2–3, 98–106). Shattock captures the pivot succinctly: strategic management has displaced collegial governance as the default grammar of universities (Shattock, 2010, pp. 5–7, 30–34). McGettigan demonstrates how debt-financed expansion and branding practices recompose the university as an entity competing in markets for students, prestige, and consultancy (McGettigan, 2013, pp. 11–14, 55–62). Williams (2016, pp. 131–132, 139) reinforces this analysis by showing how the shift from public good to private commodity reframes legitimacy itself: universities increasingly justify their authority through market visibility, value-for-money narratives, and competitive positioning rather than through epistemic or civic contribution. The net effect is a migration from a moral economy of trust to a market economy of visibility, in which rankings, citations, and reputational theatre become the currencies of legitimacy.

Kahl's recent work reads this shift through a fiduciary-epistemic lens. Universities increasingly control what may be said to be true—via communications, risk protocols, and presentational filters—rather than functioning as open fora for contestation (Kahl, 2025u, §3.4). Where the fiduciary virtues of candour, care, loyalty, and accessibility once oriented academic judgment outward to the public good, managerial optics and funding dependencies orient it inward to institutional risk and competitive positioning (Kahl, 2025n, §2.1; 2025j, §4.2). This chapter therefore proposes that the university's legitimacy must be re-founded on explicit fiduciary duties capable of legal articulation and public enforcement, extending Frankel's moral architecture of fiduciary law to the epistemic constitution of the modern university.

1.2 Problem Statement

Core disjunction. Society continues to credit universities with epistemic authority on matters of science, ethics, and policy; yet institutional practices no longer reliably satisfy the fiduciary conditions that justify that authority. Public trust encounters strategic opacity, reputational management, and incentive structures that skew disclosure (Fricker, 2007, pp. 1–9). Brown (2011, pp. 9–14) diagnoses a rationality of audit in which transparency is simulated through metrics, while candour—reasoned disclosure adequate to error and uncertainty—is displaced. Within fiduciary jurisprudence, such substitution of appearance for candour constitutes a classic form-substance inversion—the sign of breached trust (Frankel, 1983; DeMott, 1988).

From legal breach to epistemic breach. In equity, breach occurs when a fiduciary privileges its own interest over the beneficiary's welfare; the core duties—no conflict, no unauthorised profit, undivided loyalty—express the law's insistence that discretion must serve another's good (Frankel, 2011, pp. 62–64; *Boardman v Phipps* [1967] 2 AC 46; *Bristol and West Building Society v Mothew* [1998] Ch 1). DeMott (1988) clarifies that the normative heart of fiduciary duty is not control but reliance: the fiduciary's moral accountability arises from the beneficiary's vulnerability. Transposed to the epistemic domain, fiduciary breach of knowledge arises when universities subordinate the public's epistemic welfare—integrity, accessibility, and reliability—to institutional or political advantage (Kahl, 2025s, § 1.4; Kahl, 2025h, § 3.2). Symptoms include selective disclosure (paywalls, embargo-timed press releases), optocratic communications that curate appearance over substance, suppression or chilling of dissent for reputational control, and compliance theatre that exhausts critique (Kahl, 2025y, § 3.1; Kahl, 2025u, § 4.3; Deem et al., 2007, pp. 105–106). Smith (2014) reminds us that the fiduciary's defining virtue is the loyal exercise of judgment on behalf of another; where loyalty collapses into self-preservation, epistemic candour gives way to institutional defensiveness.

Constitutional stakes. Habermas's discourse-theoretic insight is apposite: democratic authority ultimately rests on procedures of public reason that presuppose epistemic integrity (Habermas, 1984, pp. 27–28, 286–289). As Gold and Miller (2014) argue, fiduciary governance provides the normative grammar through which such integrity can be legally structured. When gatekeeping institutions become clientelist—serving patrons, metrics, or sponsors—the epistemic constitution that stabilises the legislative, executive, and judicial orders begins to decay (Kahl, 2025h, § 4.1; Kahl, 2025l, § 3.2). What appears as governance failure is, at depth, constitutional injury to the Fourth Estate of knowledge. Bray and Miller (2020) warn against overextending fiduciary logic into constitutional design, yet their caution underscores this paper's converse claim: that epistemic constitutionalism is precisely where fiduciary theory finds its necessary extension.

A note on dissonance tolerance (DT). A recurrent consequence of this landscape is not too much dissonance but too little institutional capacity to host it productively. *Speaking into Dissonance* argues for cultivating DT as epistemic resilience—structured tolerance for discomfort in inquiry and pedagogy (Kahl, 2025x, §§ 1.2–1.4, 3.1). Where managerial optics pathologise friction, DT atrophies; scholars and students default to adaptive conformity. The breach is thus twofold: a failure of candour outward, and a failure to sustain DT inward.

Problem restated. The modern university enjoys epistemic authority while withdrawing from the fiduciary openness—candour, care, loyalty, and accessibility—necessary to legitimate that authority. The task is to reconstruct those duties as enforceable, public-facing obligations so that epistemic legitimacy is again matched by fiduciary practice (Frankel, 1983; Miller & Gold, 2015; Criddle et al., 2019; Kahl, 2025t, § 2.1).

1.3 Thesis Statement

The central thesis of this study is that the university's epistemic and moral legitimacy derives not from tradition, market performance, or regulatory compliance but from its fiduciary relationship to the public's epistemic welfare. The university is entrusted with the stewardship of society's capacity to know; its authority depends on discharging this entrustment with candour, care, loyalty, and accessibility. When that fiduciary compact decays—through branding, bureaucratisation, political dependency, or market opportunism—the university ceases to function as a trustee of knowledge and becomes an agent of epistemic capture, producing credibility without accountability (Kahl 2025i, §1.3; 2025j, §4.2; 2025n, §2.1).

This argument develops across three interlocking propositions, which together establish the conceptual foundation for the paper's diagnosis of constitutional failure and its proposal for re-foundation.

1. The fiduciary architecture of knowledge.

Fiduciary law encodes a general grammar for the conscientious use of delegated power. Whether the entrusted asset is wealth, health, or truth, the fiduciary's normative horizon remains the same: the loyal exercise of discretion for the beneficiary's welfare (Frankel 1983; DeMott 1988; Gold & Miller 2014; Miller & Gold 2015; Smith 2014). In the epistemic domain, the beneficiary is the epistemic public, and the entrusted asset is society's shared world of knowledge.

Criddle, Miller and Sitkoff (2019) characterise fiduciary relations as governance structures that transform dependence into cooperation through law and morality. This frame maps directly onto universities as epistemic trustees whose moral purpose is to maintain the integrity, intelligibility, and accessibility of the public's shared world—what Arendt (1958) describes as the space where truth becomes visible and contestable. Accordingly, fiduciary principles articulate the moral architecture of legitimate knowledge governance (Kahl 2025c, §2.3; 2025i, §1.4).

2. Epistemic breach as constitutional failure.

When fiduciary duties are supplanted by market loyalty, reputational metrics, or bureaucratic control, the resulting harm exceeds organisational dysfunction. It constitutes a constitutional injury: a collapse of the epistemic rule of law that sustains democratic authority and communicative legitimacy (Habermas 1984, pp 27–28, 286–289). Fiduciary breach represents a betrayal of reliance (Frankel 2011; DeMott 1988); within the epistemic constitution, it manifests as the corruption of truth itself.

Bray and Miller (2020) caution against extending fiduciary concepts too broadly into public law. Yet this study argues the reverse: that the university's capture is only intelligible as a fiduciary breach of constitutional magnitude (Kahl 2025l, §3.2). When universities conceal, commodify, or instrumentalise knowledge, they fracture the communicative infrastructure required for public reason. They damage the same fiduciary virtues —candour, care, loyalty, accessibility—that underpin trust in courts, political institutions, and democratic life.

Epistemic breach thus triggers a dual crisis:

- **institutional**, through governance opacity and market dependency; and

- **cognitive**, through the suppression of dissonance, plurality, and autonomy (Kahl 2025a; 2025f; 2025x).

3. Restoration through fiduciary openness.

Recovery requires not institutional nostalgia but fiduciary re-foundation. Universities must codify fiduciary duties—candour in disclosure, care in judgement, loyalty free from epistemic conflict, and accessibility in dissemination—across governance, pedagogy, research, and public communication. This reconstruction is embodied in the *Epistemic Fiduciary University* (EFU): an institutional model designed to protect and cultivate knowledge as a public trust (Kahl 2025t, §§2.1–2.3). The EFU operationalises what Frankel (2018) identifies as the rise of fiduciary law into new domains of public responsibility, translating fiduciary conscience into enforceable institutional form.

By embedding fiduciary openness structurally and culturally, the EFU restores the conditions for what Habermas (1984) calls communicative legitimacy and what Arendt (1958) calls the shared world—an epistemic environment in which truths can be evaluated publicly rather than curated for institutional advantage.

Synthesis

In short, fiduciary theory supplies the juridical, moral, and constitutional infrastructure for reconceiving the university as a civic organ of democratic knowledge. The chapters that follow elaborate this argument across three levels:

- **structural** (fiduciary law and governance),

- **institutional** (the hybrid university and its mechanisms of capture), and

- **cognitive** (the epistemic conditioning analysed through the KMED model).

Together, these analyses demonstrate that fiduciary breach in knowledge governance represents both a moral breakdown and a constitutional crisis—one whose remedy lies in a renewed fiduciary compact of knowledge.

1.4 Methodological Framework

1.4.1 Research Design

The study adopts a normative–diagnostic research design, combining doctrinal fiduciary analysis, historical–philosophical interpretation, and epistemic–psychological correspondence. Its purpose is theoretical reconstruction rather than empirical measurement. The inquiry interprets higher-education governance through the grammar of fiduciary law while drawing on cognitive models only in structural analogue, not as evidential claims.

1. **Doctrinal fiduciary analysis**.
   Following equity jurisprudence and contemporary fiduciary scholarship (Frankel, 1983, pp. 795–798; Miller & Gold, 2015, pp. 514–519; Smith, 2014), the study extracts the structural features of fiduciary relationships—entrustment, discretion, vulnerability, and accountability—and applies them to epistemic governance. Key precedents (*Boardman v Phipps* [1967] 2 AC 46; *Mothew* [1998] Ch 1) establish the definitional core of fiduciary loyalty ("no conflict, no profit"), which is reinterpreted here as a constitutional norm for knowledge institutions.

2. **Historical-philosophical hermeneutics**.
   Newman's *Idea of a University* and Humboldt's *Bildung* essays are treated as fiduciary texts articulating

the moral economy of trust. Their accounts of intellectual candour, civic obligation, and the cultivation of judgement supply the ethical vocabulary through which the university's fiduciary identity is reconstructed (Newman 1852/1907; Humboldt 1809/1990).

3. **Comparative institutional analysis**.
Building on *Directors' Epistemic Duties and Fiduciary Openness* (Kahl 2025i) and *Redefining Democracy for the Age of AI* (Kahl 2025k), the study applies fiduciary reasoning across corporate, academic, media, and AI institutions. All exercise delegated discretion over public epistemic resources and thus require fiduciary accountability to prevent capture.

4. **Epistemic-ethical synthesis**.
Social-epistemic and virtue-ethical concepts—testimonial responsibility and hermeneutical justice (Fricker, 2007, pp. 1–9; Medina, 2013, pp. 57–63)—are integrated with procedural notions of communicative rationality (Habermas, 1984, pp. 286–289). This establishes fiduciary duties as moral-psychological as well as legal obligations: candour, care, loyalty, and accessibility become not only institutional requirements but epistemic virtues.

5. **Epistemic-psychological bridge**.
Insights from *Cognitive Dissonance as Epistemic Event* (Kahl 2025a), *Speaking into Dissonance* (Kahl 2025x), and *Lessons from the Hong Kong Unrest* (Kahl 2025ab) provide the cognitive counterpart to fiduciary breach. These works conceptualise dissonance tolerance (DT) as a fiduciary duty of care and interpret suppression of dissonance as a form of epistemic capture. Cognitive science frameworks—predictive coding (Friston 2010) and entropy regulation (Carhart-Harris et al. 2014)—are used illustratively, not evidentially, to illuminate how institutional environments reproduce the patterns of recognition (ϱ), suppression (σ), containment (φ), and failed integration (π) identified in the KMED model. No neuroscientific causal claims are made.

1.4.2 Methodological Clarification: Normative Analysis with Cognitive Analogy

This is not an empirical psychological study. It is a normative, constitutional analysis that uses cognitive science as a conceptual mirror for fiduciary dynamics. The argument proceeds by epistemic correspondence: the fiduciary conditions that sustain legitimate authority—candour, care, loyalty, and accessibility—have recognisable analogues in the cognitive and affective processes through which individuals negotiate trust, dependency, and autonomy. The method is diagnostic: it interprets failures of fiduciary virtue as wrongs that manifest coherently across institutional behaviour, interpersonal relationships, and micro-cognitive patterns. The aim is to demonstrate that the erosion of fiduciary openness distorts both the constitutional architecture of knowledge and the epistemic habits that sustain democratic public reason.

1.4.3 Analytical Logic

The analysis follows a deductive–diagnostic sequence:

1. **Define** fiduciary norms in law and moral philosophy.

2. **Transpose** those norms into epistemic governance.

3. **Diagnose** deviations as fiduciary breaches of knowledge.

4. **Explain** their cognitive and affective manifestations using the KMED framework.

5.   **Propose** constitutional and institutional remedies grounded in fiduciary openness.

The methodology mirrors fiduciary jurisprudence: from principle → breach → remedy.

1.4.4 Data Orientation and Sources

Primary sources

- Higher Education and Research Act 2017; Companies Act 2006, ss 171–177; Office for Students (2022) Regulatory Framework; Universities UK (2023) Good Governance.

Secondary sources

- Fiduciary theory (Frankel, 1983; 2011; Miller & Gold, 2015; Smith, 2014; Criddle, Miller & Sitkoff, 2019).

- Higher-education governance analysis (Brown & Carasso, 2013; Deem et al., 2007; Shattock, 2010).

- Kahl's fiduciary-epistemic corpus (2025c; 2025h–2025u).

- Social epistemology and political philosophy (Fricker 2007; Medina 2013; Habermas 1984; Arendt 1958).

Together, these sources furnish the normative, historical, and philosophical basis for reconstructing the fiduciary constitution of knowledge.

1.5 Literature Review Overview

The literatures on fiduciary law, philosophy of higher education, social epistemology, and higher-education governance provide extensive but fragmented insight into the university's moral purpose. Legal theorists have analysed fiduciary obligations; philosophers of education have explored the university's civic vocation; social epistemologists have diagnosed the harms of testimonial distortion; and governance scholars have mapped the structural pressures reshaping institutional behaviour. Yet these bodies of scholarship remain largely unintegrated. This study draws them together to construct a unified account of the university as a **fiduciary institution of knowledge**—an actor whose legitimacy depends on its stewardship of the epistemic commons.

1.5.1 Fiduciary Theory

Recent extensions of fiduciary theory into public law and constitutional analysis (Miller & Gold, 2021; Criddle, Miller & Sitkoff, 2019) demonstrate that fiduciary norms supply a universal grammar of legitimate authority. Kahl's *Directors' Epistemic Duties and Fiduciary Openness* (2025i) adapts these principles to the domain of knowledge governance, while *Redefining Democracy for the Age of AI* (Kahl 2025k) and *Epistemic Humility and the Transposition of Ethical Duties into Epistemic Duties* (Kahl 2025c) extend them into a normative philosophy of knowledge. The latter argues that fiduciary responsibilities originate in epistemic humility and that ethical duties of care, candour, and loyalty find their epistemic counterparts in the practices that make truth contestable and public. Together these contributions reframe political legitimacy itself as a fiduciary compact between citizens and institutions that mediate credibility.

1.5.2 Philosophy of Higher Education

Classical conceptions of the university—Newman's ideal of intellectual candour and Humboldt's *Bildung*—frame higher learning as a moral project oriented toward autonomy and civic truthfulness. On Collini's interpretation (2012), such accounts presuppose a fiduciary relationship between scholar and society grounded in honesty, stewardship, and responsibility.

Contemporary theorists diagnose the erosion of that moral compact. Barnett (2000; 2011) depicts the university as an institution in existential drift; Biesta (2017) warns that education's democratic purpose is displaced by performative metrics; and Noddings (1984) foregrounds care as the ethical basis of pedagogical responsibility. These works identify moral and cultural pressures but do not provide a juridical grammar for them.

The present study interprets these themes through fiduciary theory, treating the failures Barnett, Biesta, and Noddings identify as breaches of fiduciary candour, care, and loyalty rather than as purely pedagogical regression.

1.5.3 Epistemic Justice and Social Epistemology

Epistemic-justice scholarship provides the ethical foundation for fiduciary candour and accessibility. Fricker (2007) identifies testimonial and hermeneutical injustice as structural distortions of credibility and interpretive agency. Medina (2013) expands these insights into a pluralistic ethics of resistance, emphasising the need to counteract epistemic silencing with institutional transformation.

Habermas (1984) gives this moral vocabulary a constitutional dimension: legitimacy depends on communicative conditions of sincerity, reciprocity, and openness. These communicative virtues mirror fiduciary duties. Arendt's account of the shared world (1958) complements this by asserting that truth must be publicly visible and contestable if democratic judgement is to survive.

Kahl's *Epistemic Justice and Institutional Responsibility in Academia* (2025s) elaborates these connections by translating testimonial responsibility into fiduciary candour, and hermeneutical fairness into fiduciary accessibility. This doctrinal–ethical fusion underpins the epistemic-constitutional framework developed in Chapters 4–7.

1.5.4 Higher-Education Governance and Institutional Ethics

Governance scholarship supplies the empirical context. Studies by Deem et al. (2007), Brown and Carasso (2013), and Shattock (2010) document the rise of managerialism, audit culture, and institutional branding. Williams (2016) analyses the hybridisation of the university into part-civic, part-corporate entity.

Yet these accounts remain primarily descriptive. They reveal the mechanisms of drift but do not explain why such drift constitutes a moral or constitutional wrong. Kahl's corpus reframes these tendencies normatively:

- *When the Higher Education System Flashes Red* (2025n) interprets managerial opacity as fiduciary breach.

- *Epistemic Violence or Simply Good Marketing?* (2025y) shows how branding distorts epistemic candour.

- *The University of Reading's LLM Experience* (2025u) analyses reputational governance as epistemic clientelism.

- *Lessons from the Hong Kong Unrest* (2025ab) demonstrates how pedagogical dependence becomes a mechanism of authoritarian epistemic capture.

Within the fiduciary framework developed here, governance pathologies are conceptualised not merely as inefficiencies but as constitutional injuries to the epistemic estate.

1.5.5 Integrative Insight

Across these literatures, a persistent gap remains. Few works integrate:

- fiduciary jurisprudence (the structure of entrusted authority),

- epistemic justice (the ethics of credibility and interpretive fairness),

- philosophy of education (the moral vocation of teaching and inquiry), and

- cognitive–epistemic analysis (how governance structures shape internal thought).

This study closes that gap by synthesising fiduciary law's enforceable grammar of duty with epistemic justice's moral semantics and with a cognitive model of epistemic conditioning (KMED). In this synthesis, fiduciary candour becomes the institutional expression of testimonial responsibility; fiduciary accessibility realises hermeneutical fairness; and fiduciary care and loyalty provide the civic conditions through which universities can act as trustees of the public's shared world.

The result is a coherent theoretical foundation for reconceiving the modern university as a **constitutional fiduciary of democratic knowledge**.

1.6 Conceptual Framework

This section translates fiduciary jurisprudence into epistemic-institutional form. Fiduciary duties—candour, care, loyalty, and accessibility—are reconceived as the normative architecture through which universities may be evaluated and governed. Each duty corresponds to a dimension of epistemic trust; together they form a self-correcting loop sustaining what Kahl (2025i) terms fiduciary openness.

1.6.1 Translating Fiduciary Duties into Epistemic Terms

1. **Candour.**
   In law, candour denotes the obligation of truthful disclosure between fiduciary and beneficiary (Frankel, 2011, pp. 62–64). Transposed to the epistemic domain, it requires honesty in research, teaching, and institutional communication. Candour prohibits selective disclosure and reputational manipulation; it demands that universities speak truthfully to both power and public, acknowledging uncertainty rather than concealing it behind managerial rhetoric (Brown & Carasso, 2013; Kahl, 2025y). Within epistemic governance, candour sustains testimonial responsibility—the duty to make one's reasoning publicly auditable (Fricker, 2007).

2. **Care.**
   The duty of care obliges a fiduciary to act diligently and prudently for the beneficiary's welfare (*Bristol and West Building Society v Mothew*, 1998). In academic life it entails rigorous scholarship, conscientious

supervision, and institutional conditions that protect epistemic autonomy. To care for knowledge is to preserve its integrity against corruption by expedience. Drawing on *Authoritarianism and the Architecture of Obedience* (Kahl, 2025f) and *Speaking into Dissonance* (Kahl, 2025x), care also includes cultivating **dissonance tolerance (DT)**—the pedagogical courage to sustain discomfort as a medium of growth. Universities fail in care when they confuse psychological comfort with epistemic safety.

3. **Loyalty.**
Loyalty forbids conflicts of interest and demands that fiduciaries pursue the beneficiary's good rather than their own (*Boardman v Phipps*, 1967). For universities, loyalty means fidelity to truth and to the public's epistemic welfare, not to donors, sponsors, or state ideology. Breach occurs when research agendas follow funding bias or when managerial priorities silence inconvenient inquiry (Kahl, 2025u). In fiduciary-epistemic terms, loyalty expresses integrity of orientation—keeping institutional judgement aligned with epistemic rather than instrumental value.

4. **Accessibility.**
Although less formalised in legal doctrine, accessibility parallels the equitable rule that fiduciaries must not appropriate the fruits of the trust for themselves (Smith, 2014). Knowledge must remain a public good, disseminated beyond privilege and paywall. Accessibility therefore entails open science, transparent pedagogy, and equitable opportunity. It is the institutional expression of *hermeneutical justice* —the duty to share interpretive resources so that all may participate in reason-giving (Fricker, 2007; Kahl, 2025t).

These four duties constitute what Kahl (2025c) calls the *fiduciary architecture of knowledge*: a legal-ethical framework through which the legitimacy of academic institutions can be assessed.

1.6.2 The Fiduciary Loop

Fiduciary duties operate not in isolation but in reciprocity. Each duty sustains and corrects the others:

- Candour invites scrutiny; scrutiny demands care.

- Care reinforces loyalty by grounding judgement in diligence.

- Loyalty compels accessibility, ensuring that knowledge serves the many, not the few.

- Accessibility in turn fortifies candour, for openness exposes error to correction.

This cyclical interdependence—the fiduciary loop—functions as a feedback system maintaining epistemic equilibrium (Kahl, 2025i). When any link weakens, distortion propagates through the whole: candour without care degenerates into recklessness; care without candour becomes paternalism; loyalty without accessibility leads to elitism; accessibility without loyalty collapses into populism. The loop thus embodies the principle of *fiduciary balance*: transparency tempered by diligence, devotion tempered by openness.

1.6.3 Fiduciary Breach as Epistemic Failure

A breach occurs whenever the fiduciary loop is interrupted—when truth is commodified, transparency is replaced by optics, or access is gated by market logic. Such failures are epistemic, not merely procedural: they deform the conditions under which truth can emerge and be recognised. Habermas's (1984) notion of communicative rationality clarifies the point: knowledge claims attain validity only within processes that

secure sincerity, rightness, and truthfulness. Breach of candour undermines sincerity; breach of loyalty distorts rightness; breach of accessibility obstructs mutual understanding.

Kahl (2025h) interprets these failures as *fiduciary dissonance*: institutions experience moral tension between proclaimed ideals and operational incentives but resolve it through suppression rather than reflection. The loss of dissonance tolerance at the individual level signals the onset of epistemic closure at the institutional level—a precursor to the fiduciary collapse traced in Chapters 3 and 4.

1.7 Contribution and Significance

This section outlines the theoretical, constitutional, and practical significance of reconceiving the university as a *fiduciary institution of knowledge*. It situates the research within contemporary fiduciary scholarship and the author's broader constitutional project—showing how fiduciary-epistemic theory transforms higher-education governance from managerial administration into a domain of public trust.

1.7.1 Theoretical Significance

The study advances fiduciary theory by extending it beyond private and commercial contexts to epistemic institutions. Whereas traditional fiduciary law safeguards property or welfare, *fiduciary-epistemic theory* protects the integrity of collective knowing. It demonstrates that fiduciary principles—entrustment, candour, care, loyalty, and accessibility—constitute not only a legal taxonomy but also a moral architecture of truth governance (Frankel, 1983; Miller & Gold, 2021; Smith, 2014).

This reconceptualisation bridges the divide between jurisprudence and epistemology. In legal theory, fiduciary duties regulate discretion under conditions of vulnerability; in epistemic ethics, testimonial and hermeneutical justice perform a parallel role by preventing dominance in knowledge exchange (Fricker, 2007; Medina, 2013). The present work fuses these domains: fiduciary law provides enforceability; epistemic justice supplies moral orientation. The resulting model enables universities to be judged by fiduciary candour and accessibility rather than by output metrics alone.

Conceptually, this marks a shift from *academic ethics*—which governs personal conduct—to fiduciary-epistemic governance—which governs institutional conscience. It recasts honesty, diligence, and openness as duties enforceable through governance structures, not merely as aspirational virtues.

1.7.2 Relation to the Fourth-Estate Thesis

Epistemic Gatekeepers as the Fourth Estate (Kahl, 2025l) defined media organisations as constitutional actors mediating the public's access to truth. The present study extends that reasoning to universities. Like the press, universities adjudicate credibility, credentialise truth, and structure the circulation of knowledge. They therefore perform a co-equal constitutional function within what Kahl terms the *epistemic branch of government* (Kahl, 2025k; 2025t).

This extension completes the fiduciary-constitutional taxonomy:

- *Redefining Democracy for the Age of AI* (Kahl, 2025k) → fiduciary duties in political governance;

- *Epistemic Gatekeepers as the Fourth Estate* (Kahl, 2025l) → fiduciary duties in communicative institutions;

- *The Fiduciary Breach of the Modern University* → fiduciary duties in educational and epistemic institutions.

Together, these works establish the normative foundation for a constitutional model of knowledge in which fiduciary openness functions as the epistemic counterpart to the rule of law.

1.7.3 Practical and Policy Relevance

The fiduciary framework supplies regulators with a principled basis for reform. Existing governance instruments already contain latent fiduciary concepts—transparency, accountability, and public benefit—but lack a unifying moral rationale. The Higher Education and Research Act 2017 and the Office for Students Regulatory Framework could be reframed explicitly in fiduciary terms:

- **Candour** → truthful disclosure of institutional risks and outcomes;

- **Care** → due diligence in academic standards and student welfare;

- **Loyalty** → freedom from financial or political conflicts of interest;

- **Accessibility** → open access to research and equitable participation.

The *Charity Commission*'s guidance on trustee responsibility (2023) and the UK Corporate Governance Code (2018) offer analogues readily adaptable to universities. Embedding fiduciary openness would transform compliance culture into relational accountability: a structure of trust that measures legitimacy not by audit metrics but by epistemic welfare.

1.7.4 Scholarly Contribution

This paper completes a conceptual trilogy within fiduciary-epistemic scholarship. *Redefining Democracy for the Age of AI* (Kahl 2025k) re-theorised political legitimacy as fiduciary compact, while *Epistemic Gatekeepers as the Fourth Estate* (Kahl 2025l) defined communicative institutions as constitutional actors. The present study establishes the university as the fiduciary core of the epistemic constitution, operationalising what *Epistemic Humility and the Transposition of Ethical Duties into Epistemic Duties* (Kahl 2025c) conceptualised: the conversion of moral virtues into institutional obligations.

Through this move, the study contributes to both fiduciary theory—by expanding its domain—and higher-education scholarship—by supplying the normative infrastructure it lacks. It also develops an applied research agenda for Epistemic Psychology (Kahl 2025a; 2025b; 2025ab): examining how fiduciary breach translates into cognitive conditioning, how epistemic fear becomes institutionalised, and how cultivating dissonance tolerance may restore autonomy and resilience within knowledge systems.

1.7.5 Societal and Moral Importance

Universities remain among the few institutions still symbolically associated with truth. Their breach of fiduciary duty thus corrodes civic trust more deeply than ordinary bureaucratic failure. Restoring fiduciary candour and accessibility is not simply administrative reform but a matter of democratic survival. Knowledge, like justice, must be administered under duty rather than interest (Rawls, 1971).

As Kahl (2025s; 2025u) argues, epistemic legitimacy depends on moral reciprocity between institution and society: the public entrusts universities with epistemic power, and universities owe the public fiduciary

openness in return. The restoration of this compact re-establishes the moral infrastructure of democracy—an epistemic constitution where knowing and governing converge under the same principle of fiduciary trust.

1.8 Chapter Roadmap and Transition

This opening chapter has re-established the university as a fiduciary institution of knowledge—an entity whose moral legitimacy arises from its entrusted stewardship of society's epistemic welfare. It has argued that the university's authority rests not on performance metrics or historical prestige but on the faithful discharge of four interdependent fiduciary-epistemic duties: candour, care, loyalty, and accessibility. When these duties are honoured, knowledge retains integrity, autonomy, and public value; when they are breached, the epistemic constitution of democracy itself begins to fracture.

Summary of Argument

1. **Context and Rationale** (§ 1.1) traced the university's evolution from a moral trust grounded in candour and collegiality to a market actor governed by optics and competition (Brown & Carasso, 2013; Deem et al., 2007; Kahl, 2025u).

2. **Problem Statement** (§ 1.2) identified this transformation as a fiduciary breach of knowledge: a systematic privileging of institutional interest over the public's epistemic welfare (Frankel, 2011; Kahl, 2025h; 2025s).

3. **Thesis Statement** (§ 1.3) proposed that fiduciary law provides the missing normative grammar through which universities can recover legitimacy, defining epistemic trust as a justiciable obligation rather than a moral aspiration (Miller & Gold, 2021; Kahl, 2025t).

4. **Methodology** (§ 1.4) outlined the interdisciplinary method—doctrinal, historical, comparative, and epistemic-psychological—linking fiduciary jurisprudence with epistemic ethics and the cultivation of dissonance tolerance (Kahl, 2025a; 2025x; 2025ab).

5. **Literature Review** (§ 1.5) synthesised four domains—fiduciary theory, philosophy of higher education, epistemic justice, and governance—into a coherent framework for fiduciary-epistemic analysis (Frankel, 1983; Fricker, 2007; Kahl, 2025n).

6. **Conceptual Framework** (§ 1.6) translated fiduciary duties into epistemic terms, constructing the fiduciary loop that sustains epistemic trust (Kahl, 2025i; 2025c).

7. **Contribution and Significance** (§ 1.7) situated the study within the wider constitutional project defining universities, media, and digital repositories as components of a *Fourth Estate of democratic knowledge* (Kahl, 2025l; 2025k).

Through these stages, Chapter 1 has articulated a unified proposition: fiduciary duty is the constitutional grammar of legitimate knowledge governance. The university's crisis of legitimacy is therefore a constitutional breach, remediable only through fiduciary re-foundation.

2. Fiduciary Theory and the Constitutional Architecture of Knowledge

2.1 Chapter Overview and Aims

The purpose of this chapter is to extend fiduciary theory from its doctrinal origins in private law to the realm of public epistemic institutions, thereby constructing a constitutional account of knowledge governance. Fiduciary principles—entrustment, loyalty, and accountability—emerged historically to regulate relationships of confidence in which one party exercises discretionary power over another's welfare (Frankel, 1983, p. 795; Smith, 2014). Their scope has gradually expanded from private trustees and corporate directors to charitable and public bodies (Miller & Gold, 2021, pp. 14–17). This chapter argues that the same moral logic applies to the institutions that steward society's epistemic welfare: universities, media organisations, and digital or archival repositories. These bodies collectively function as the *Fourth Estate of democratic governance*, exercising fiduciary control over the circulation and validation of knowledge (Kahl, 2025l).

The chapter addresses three interrelated questions. First, how can fiduciary principles of entrustment, loyalty, and accountability be normatively and legally applied to knowledge institutions? Second, in what sense do epistemic gatekeepers—universities, publishers, and media—form a constitutional estate co-equal with the legislative, executive, and judicial branches? Third, why is epistemic integrity the functional equivalent of the rule of law within the domain of knowledge? Together these questions frame a single theoretical project: the translation of fiduciary law into epistemic constitutionalism.

The objective is to construct the theoretical bridge between fiduciary jurisprudence and democratic epistemology. Drawing upon Kahl's *Directors' Epistemic Duties and Fiduciary Openness* (2025i) and *Epistemic Gatekeepers as the Fourth Estate* (2025l), the chapter reconceives knowledge governance as a constitutional order grounded in fiduciary ethics. It proposes the concept of the *epistemic rule of law*—the principle that the creation and dissemination of knowledge must be governed by openness, fairness, and duty rather than by discretion, patronage, or market capture (Habermas, 1984, pp. 27–28; Fricker, 2007, pp. 1–2). In democratic societies, epistemic integrity performs the same stabilising function for truth that the legal rule of law performs for justice: it constrains arbitrary authority, ensures transparency of reasoning, and preserves public trust in institutional judgment. The following sections elaborate this claim by tracing the extension of fiduciary theory to public-epistemic institutions and by defining the constitutional architecture through which fiduciary openness sustains the epistemic foundations of democracy.

2.2 Extending Fiduciary Law to Public-Epistemic Institutions

2.2.1 From Private Trust to Public Duty

Fiduciary law originated as an equitable response to relationships of entrusted discretion, where one party holds power on behalf of another and is bound to exercise that power with loyalty and care (Frankel 1983). Four structural features define such relationships: entrustment, discretion, vulnerability, and loyalty. Entrustment denotes the voluntary transfer of power or property by a beneficiary to a fiduciary; discretion describes the fiduciary's authority to act without immediate supervision; vulnerability captures the beneficiary's dependence on the fiduciary's judgment; and loyalty imposes the moral and legal constraint that this power be exercised solely for the beneficiary's welfare (Smith 2014).

Historically, fiduciary law evolved from the private law of trusts to encompass a wide range of professional and institutional relationships. By the eighteenth century, the equitable duties binding private trustees were extended to agents, partners, and corporate directors (Criddle, Miller & Sitkoff 2019). During the twentieth century, the same fiduciary principles migrated into public law, governing the conduct of civil servants, charitable trustees, and holders of statutory office. As Smith observes, the justificatory principles that regulate private administration—candour, impartiality, diligence, and accountability—also underpin public law administration, because both domains embody the juridical situation of acting for others in law (Smith 2023, pp 300–302). The notion of public trust is therefore more than rhetorical: while 'trust' may be metaphorical in the technical sense, the substantive fiduciary norms it connotes—using conferred powers for other-regarding purposes and avoiding conflicts—are legally entrenched in public administration (Smith 2023, pp 302–305).

Smith's account substantiates the view that public officers and institutional leaders hold powers that are entrusted to them for the public good, rather than for private or bureaucratic self-interest. His analysis extends to universities, which he classifies as legal persons established in the public interest: their administrators exercise powers for public purposes and are thus engaged in public administration (Smith 2023, pp 323–326). This framing aligns directly with the present study's conception of universities as epistemic fiduciaries— entities holding discretionary authority over society's collective knowledge and therefore accountable as custodians of epistemic welfare.

This evolutionary trajectory allows a further conceptual extension—from economic fiduciaries to epistemic fiduciaries. Just as traditional trustees manage financial or proprietary assets on behalf of beneficiaries, universities, media organisations, and scientific bodies manage the collective epistemic capital of society: data, methodologies, and truth-claims (Kahl 2025i, § 1.2). They hold discretionary power over what knowledge is produced, validated, and disseminated, and the public is correspondingly vulnerable to their judgments. Fiduciary law, therefore, provides a normative framework through which such institutions can be held to account not merely for ethical integrity but for epistemic stewardship itself.

2.2.2 Epistemic Entrustment and Delegated Power

Epistemic entrustment may be defined as the delegation of society's capacity to know, evaluate, and communicate truth. Citizens cannot personally verify every claim that sustains democratic governance— scientific facts, economic data, legal reasoning—and therefore delegate this cognitive responsibility to specialised institutions. In fiduciary terms, epistemic entrustment parallels the transfer of trust property: it confers discretion and creates vulnerability (Miller & Gold, 2015). Where fiduciary law traditionally protects financial beneficiaries, epistemic fiduciary law must protect epistemic beneficiaries—the public whose ability to make informed judgments depends on trustworthy intermediaries.

Comparing the two forms of entrustment clarifies the analogy. In private trust, the fiduciary manages tangible or financial assets, bound by the principle that no conflict or profit may arise from that discretion (*Boardman v Phipps* [1967] 2 AC 46; *Bristol and West Building Society v Mothew* [1998] Ch 1). In the epistemic trust, the fiduciary manages intangible epistemic assets—truth-claims, data, and interpretive frameworks—and must avoid analogous conflicts of interest: manipulating evidence for prestige, suppressing inconvenient findings, or commodifying access to research.

Kahl's *Directors' Epistemic Duties and Fiduciary Openness* (2025i) formulates this principle as the duty of epistemic candour, requiring that discretionary control over credibility be exercised transparently and with due regard to the public's epistemic welfare. The paper further introduces fiduciary accessibility as a correlative duty: institutions must not hoard or obscure knowledge but ensure its availability to all epistemic beneficiaries.

Together these duties constitute a model of epistemic fiduciary openness—a public counterpart to corporate disclosure obligations under company law.

2.2.3 Legal and Regulatory Parallels

The analogies between fiduciary regulation in corporate governance and higher-education governance are striking. Under the Companies Act 2006 (ss 171–177), company directors owe statutory duties of loyalty, care, and avoidance of conflicts of interest to their shareholders. These duties are complemented by fiduciary doctrines in equity that prohibit secret profits and mandate full disclosure (Frankel, 2011). Likewise, the Higher Education and Research Act 2017 (ss 2–5) establishes the autonomy of universities subject to regulatory oversight by the Office for Students, emphasising accountability, transparency, and the protection of students and the public interest. The Charities Act 2011 and Charity Commission guidance (2023) impose similar expectations on university governors as trustees of charitable funds.

Both regimes seek to reconcile autonomy with accountability. Directors enjoy discretion in managing corporate affairs, yet their power is constrained by fiduciary loyalty to shareholders. Universities likewise claim academic freedom and institutional autonomy, yet they exercise these powers under a moral and statutory obligation to serve the public's epistemic welfare (Office for Students, 2022). The crucial difference lies in normative articulation: corporate governance is explicitly fiduciary, while university governance is couched in the weaker language of compliance and transparency.

Fiduciary theory supplies the missing normative rationale. It transforms compliance obligations into moral duties grounded in trust and responsibility (Gold & Miller, 2014). Where current regulatory frameworks operate procedurally—ensuring audit trails and performance metrics—a fiduciary framework would operate constitutionally, recognising universities as trustees of epistemic capital bound by duties of candour, care, loyalty, and accessibility (Kahl, 2025i, § 3.2). This reconceptualisation elevates higher-education governance from administrative accountability to fiduciary accountability, embedding the ethics of openness and the rule of truth at the core of institutional design.

2.3 The Fourth-Estate Doctrine and the Epistemic Constitution

2.3.1 Reinterpreting the Fourth Estate

The traditional notion of the *Fourth Estate* originated in eighteenth- and nineteenth-century political discourse as a metaphor for the press—an institution that mediated between citizens and power by informing, scrutinising, and shaping public opinion (Habermas, 1989, pp. 181–184). In *Epistemic Gatekeepers as the Fourth Estate*, Kahl (2025l) re-examines this metaphor through fiduciary-epistemic theory, redefining the Fourth Estate as any institution that governs the public's access to, and credibility of, knowledge. Under this reformulation, the media are analysed as the archetype of epistemic gatekeeping within the democratic constitution: they decide which information becomes visible, which narratives are legitimised, and which voices are excluded. Because these decisions structure the epistemic conditions of citizenship, media organisations function not merely as communicative enterprises but as constitutional actors entrusted with the epistemic welfare of the polity.

However, the fiduciary-epistemic logic articulated by Kahl (2025l) is not confined to journalism. It applies to all institutions that mediate between knowledge and authority. Universities, research repositories, and digital archives exercise parallel powers of epistemic gatekeeping: they license expertise, credentialise truth, and

shape collective reasoning by determining what qualifies as legitimate knowledge. In each case, the public entrusts these institutions with discretion over credibility—discretion that demands fiduciary candour and loyalty. Extending the Fourth-Estate framework from media to universities therefore reveals the broader constitutional architecture of knowledge in which epistemic authority is distributed among multiple fiduciary actors, each bound by duties of openness and accountability (Kahl, 2025i, § 2.3; Kahl, 2025k, § 3.1).

2.3.2 Universities as Constitutional Epistemic Actors

Universities can thus be understood as constitutional organs of knowledge, possessing delegated power co-equal with the legislative, executive, and judicial branches of governance. The legislature produces norms, the executive implements them, and the judiciary interprets them; the university generates and verifies the epistemic premises upon which all three depend. In this sense, the university performs an epistemic function analogous to the judiciary's role in the legal system: it safeguards the epistemic rule of law by ensuring that truth-claims are tested through transparent and reasoned procedures (Habermas, 1984, pp. 27–28; Kahl, 2025l, § 3.2).

Practical analogues make the symmetry clearer. Academic peer review operates as a form of judicial deliberation, evaluating evidence through collective scrutiny. Research governance frameworks serve as procedural due process, ensuring fairness, proportionality, and the right of reply in scholarly evaluation. Open-access publication functions as the epistemic counterpart of the public trial, subjecting institutional judgments to civic observation. Together, these mechanisms translate fiduciary duties into constitutional practice: candour becomes transparency of review, care becomes methodological diligence, loyalty becomes fidelity to truth over funding, and accessibility becomes the public dissemination of knowledge (Frankel, 2011, pp. 62–64; Kahl, 2025t, § 3.2).

By viewing universities as constitutional epistemic actors, fiduciary law acquires a new domain of application. It provides a language for articulating the obligations of these institutions not merely as professional or regulatory requirements but as constitutional duties owed to the epistemic public. Breach of these duties—through secrecy, manipulation, or exclusion—thus constitutes not only academic misconduct but a failure of democratic governance itself (Kahl, 2025h, § 4.1).

2.3.3 Constitutional Symmetry and Checks

Within this expanded constitutional model, epistemic institutions perform a crucial balancing function among the traditional branches of power.

- The **legislature** produces norms and policies that presuppose reliable evidence.

- The **executive** acts upon knowledge to implement those norms.

- The **judiciary** adjudicates truth-claims by weighing testimony and interpretation.

- The **university and the media**, as epistemic gatekeepers, ensure the reliability of all three by maintaining the integrity of the information environment on which deliberation depends.

When epistemic institutions fulfil their fiduciary duties, the political constitution and the epistemic constitution reinforce one another: truth guides authority, and authority protects truth. When those duties are breached—through censorship, market capture, or ideological manipulation—the symmetry collapses, and

governance degenerates into what Kahl (2025h) terms *authoritarian clientelism*: the substitution of fiduciary openness with coercive hierarchy.

Kahl (2025k) describes this equilibrium as an *epistemic constitution* in which fiduciary openness, rather than coercion, serves as the stabilising principle of order. In such a constitution, transparency and accountability operate across all estates: legislative candour, executive integrity, judicial impartiality, and epistemic honesty. The vitality of democratic governance thus depends upon the health of its epistemic institutions. Where fiduciary candour fails, the rule of law loses its epistemic foundation; where epistemic integrity endures, constitutional democracy remains intellectually coherent and morally defensible.

2.4 The Epistemic Rule of Law

2.4.1 Defining Epistemic Integrity

In legal philosophy, the rule of law denotes the condition in which power is exercised through transparent, predictable, and impartial procedures rather than through arbitrary will (Raz 1986, pp. 211–213). Within epistemic institutions, an equivalent condition is epistemic integrity—the coherence, transparency, and fairness of the processes by which truth-claims are produced, evaluated, and disseminated. Epistemic integrity ensures that knowledge is not merely correct in substance but legitimate in origin: its conclusions are traceable to procedures that embody candour, diligence, and impartiality (Habermas 1984, pp. 27–28).

As Polanyi (1966, pp. 4–7) famously argued, all knowing contains a tacit dimension: judgments depend upon personal commitment, interpretive skill, and forms of understanding that cannot be fully codified. This tacit component does not undermine epistemic integrity; it deepens it, reminding us that legitimacy rests on trust in the conscientious exercise of expert discretion. In fiduciary terms, tacit knowledge makes candour and loyalty indispensable procedural virtues: because not all epistemic labour is visible, institutions must cultivate and disclose the moral conditions under which judgment is exercised.

Fiduciary theory provides the moral grammar of this integrity. The fiduciary duties of candour and loyalty require knowledge institutions to act openly and in good faith for the public's epistemic welfare. When universities, media, or research bodies conceal data, manipulate findings, or allow funding dependencies to distort judgment, they commit what may be termed a fiduciary-epistemic breach. Such breaches corrode the structural trust on which the epistemic rule of law depends: once citizens can no longer rely on institutional candour, the social compact that binds truth and authority begins to unravel (Frankel 2011; Kahl 2025i, § 3.2).

2.4.2 Rule-of-Law Analogy

The analogy between legal and epistemic orders reveals their shared normative architecture. In the legal domain, the rule of law constrains decision-making through public reason and procedural fairness; in the epistemic domain, the rule of knowledge constrains truth-claims through fiduciary candour and methodological transparency. Both require that authority be exercised through processes intelligible to those subject to it and accountable to standards beyond personal or institutional interest (Raz 1986; Frankel 2011).

Legal Order	Epistemic Order
Public reason guides adjudication	Public justification guides inquiry
Procedural fairness ensures justice	Methodological transparency ensures credibility

Duties of impartiality restrain bias	Duties of candour restrain distortion
Predictability provides stability	Reproducibility provides reliability

Table 2.1 — Legal vs. Epistemic Order.

Each domain therefore relies on predictability, impartiality, and openness as safeguards against arbitrary authority (Kahl 2025c, § 2.2). Here, fiduciary governance offers the structural mechanism for balancing autonomy with accountability. As Miller and Gold (2015, pp. 515–518) demonstrate, fiduciary governance preserves discretion—the freedom to exercise expert judgment—while binding it through duties of candour, care, and loyalty that make such autonomy publicly answerable. This balance converts independence from privilege into trust: institutions remain self-governing but within a framework that renders their decisions morally and procedurally intelligible to the public they serve.

In both law and knowledge, the fiduciary principle converts moral aspiration into enforceable structure: it transforms virtue into duty and duty into governance. Where the rule of law maintains justice by constraining political discretion, the epistemic rule of law maintains truth by constraining cognitive discretion. The result is a unified constitutional logic: legality and knowledge are sustained by identical fiduciary virtues—candour, care, loyalty, and accessibility (Kahl 2025t, § 3.2).

2.4.3 Collapse into Authoritarian Clientelism

When fiduciary equilibrium collapses, epistemic institutions descend into *authoritarian clientelism*—a condition in which dependence supplants trust and conformity replaces critique. Three interlocking pathologies mark this descent.

1. **Market clientelism**. Knowledge is tailored to sponsors, funding bodies, and corporate interests. Research agendas reflect market demand rather than epistemic necessity, transforming scholarship into intellectual subcontracting (Kahl, 2025h, § 3.1).

2. **Bureaucratic clientelism**. Managerial hierarchies dictate what may be researched or published, enforcing obedience through administrative incentives and performance metrics. Truth becomes an artefact of compliance rather than discovery (Kahl, 2025u, § 4.3).

3. **Political clientelism**. Research is subordinated to ideological or state agendas, producing epistemic capture that mirrors political patronage (Kahl, 2025h, § 4.2).

Each variant represents a breach of fiduciary candour and loyalty. Market clientelism replaces openness with commodification; bureaucratic clientelism substitutes accountability with surveillance; political clientelism exchanges independence for obedience. The cumulative effect is epistemic authoritarianism—the transformation of knowledge into an instrument of power rather than a criterion for its legitimacy (Fricker 2007; Medina 2013).

This breakdown mirrors constitutional decay in the political realm. Just as corruption and secrecy undermine the rule of law, epistemic clientelism undermines the rule of knowledge. When fiduciary openness yields to patronage, truth ceases to function as the common measure of governance. Restoring epistemic integrity therefore becomes a constitutional imperative: only through renewed fiduciary candour and public accountability can knowledge institutions reclaim their legitimacy and sustain democracy's epistemic foundations (Kahl 2025k, § 5.1).

2.5 Normative Implications: Toward the Epistemic Fiduciary Constitution

2.5.1 Re-Constitutionalising Knowledge

The preceding analysis suggests that fiduciary theory functions as a *meta-constitutional grammar*—a set of normative principles capable of integrating legal, political, and epistemic orders within a single architecture of entrusted power. At its core, fiduciary theory translates the moral conditions of trust—candour, care, loyalty, and accessibility—into enforceable duties. These duties can, in turn, be embedded within the constitutions of knowledge-bearing institutions, transforming them from discretionary actors into fiduciary custodians of epistemic welfare (Frankel, 1983; Frankel, 2011; Gold & Miller, 2014).

As Criddle, Miller, and Sitkoff (2019, chs. 1–3) emphasise, fiduciary law is doctrinally plural yet institutionally coherent: its strength lies not in rigid definition but in a functional architecture that adapts to the purposes of different relationships of trust. This pluralism enables fiduciary principles to migrate across domains—from private trusts to public office, and, as this study argues, to epistemic institutions—without losing their normative integrity. Smith (2023) reinforces this continuity by demonstrating that the justificatory principles governing private fiduciary administration also underpin public law administration, where office-holders act "for others in law" and are bound by duties of loyalty and accountability to the public. Such reasoning legitimates the further extension to epistemic institutions, whose administrators likewise exercise other-regarding power on behalf of the epistemic public. The same structural grammar of entrusted discretion and accountability can therefore govern both economic and cognitive power.

Some theorists caution, however, that fiduciary reasoning cannot be transposed wholesale into constitutional design. Bray and Miller (2020) contend that fiduciary constitutionalism risks conflating private entrustment with public authority and thereby obscuring the distinctive accountability structures of constitutional government. Yet the present framework departs from the analogy they criticise. It does not claim that constitutions are fiduciary instruments, but that fiduciary law expresses the moral grammar through which constitutional legitimacy may be understood. In epistemic contexts, this means that fiduciary duties structure the lawful exercise of cognitive power—governing how universities, media, and scientific bodies hold truth in trust for the public.

This re-constitutionalisation of knowledge envisions a democratic ecosystem in which epistemic institutions are governed not by managerial expediency but by fiduciary duty. Within this model, the *Epistemic Fiduciary University* (EFU) and the *Epistemic Fiduciary Entity* (EFE) serve as prototypes. The EFU represents the university re-founded upon fiduciary openness: a legal and moral framework in which academic freedom is balanced by duties of candour and accessibility to epistemic beneficiaries. The EFE extends this logic to other gatekeeping bodies—media organisations, research councils, and digital repositories—establishing a unified fiduciary regime across the entire knowledge commons (Kahl, 2025i; 2025k; 2025l).

By reconceiving knowledge institutions as fiduciary rather than contractual entities, the EFU and EFE embody what Kahl (2025k, § 5.2) calls the *epistemic constitution*: a distributed system of trust that secures truth against capture. Fiduciary openness thereby becomes the epistemic analogue of the separation of powers—an institutional-design principle ensuring that no single actor monopolises the production or interpretation of knowledge.

2.5.2 Institutional Design Principles

The practical realisation of an epistemic fiduciary constitution requires the codification of fiduciary duties within the legal and organisational frameworks of knowledge institutions. Several design principles follow from the theory.

- **Statutory fiduciary duties**. Higher-education and research legislation should explicitly codify fiduciary duties of candour, care, loyalty, and accessibility, aligning university governance with the moral standards applied to directors and trustees under the Companies Act 2006 and the Charities Act 2011. Such codification would elevate academic integrity from professional aspiration to constitutional obligation (Smith 2014).

- **Epistemic audits**. Just as financial audits secure the integrity of capital markets, epistemic audits would periodically review the transparency, fairness, and accessibility of institutional knowledge processes. Independent panels could assess compliance with research-integrity codes, data-disclosure policies, and open-access commitments (Office for Students 2022).

- **Public-beneficiary standing**. Citizens, students, and civil-society organisations should have standing to challenge epistemic breach—instances where knowledge institutions act contrary to fiduciary duty or suppress information in the public interest. This measure would convert the abstract ideal of epistemic accountability into a justiciable right (Frankel 2011).

- **Transparency registers**. Comprehensive registers disclosing funding sources, data-sharing arrangements, and potential conflicts of interest would operationalise fiduciary candour. These mechanisms would function as institutional mirrors, allowing the epistemic public to verify that universities and other gatekeepers act with loyalty to truth rather than to sponsors (Kahl 2025r, § 2.3).

Together, these mechanisms instantiate fiduciary openness as a constitutional-design principle—one that binds epistemic institutions to the same standards of transparency and accountability that the rule of law demands of political authority (Kahl 2025t, § 3.2). Collectively, they delineate the contours of a prospective *Epistemic Fiduciary Act*, through which the duties of candour, care, loyalty, and accessibility could be codified in statute and rendered enforceable as obligations of public law. Such legislation would complete the transition from moral expectation to juridical accountability, re-founding the university as a constitutional fiduciary of knowledge.

2.5.3 Global and Comparative Dimensions

The fiduciary-epistemic framework has clear international resonance. The OECD's Principles of Research Integrity and UNESCO's Recommendation on Open Science already embody proto-fiduciary norms of transparency, accountability, and inclusivity (OECD 2021; UNESCO 2021). By framing these commitments through fiduciary theory, they can be elevated from policy guidance to constitutional principle.

Kahl (2025m) demonstrates that fiduciary ethics in global AI governance provide a template for such transnational application. AI firms, like universities, operate as epistemic fiduciaries controlling flows of information and inference. Extending fiduciary openness across both technological and academic domains would create a universal standard of epistemic accountability—an epistemic constitution for the information age.

Epistemic constitutionalism, thus conceived, offers a universal grammar of sustainable knowledge governance. In democratic societies, it constrains power through openness and dialogue; in technocratic societies, it restores

legitimacy by grounding authority in duty rather than discretion. Whether applied to universities, AI platforms, or global research consortia, the fiduciary-epistemic constitution realises a simple but radical proposition: that knowledge, like power, must be governed by law—and that the law of knowledge is fiduciary in nature (Kahl 2025k, § 5.3).

2.6 Chapter Summary and Transition

Chapter 2 has constructed the theoretical foundation of *epistemic constitutionalism*—the framework through which fiduciary law is extended from the governance of property to the governance of knowledge. It has shown that fiduciary theory functions as a meta-constitutional grammar uniting legal, political, and epistemic orders under the shared principles of candour, care, loyalty, and accessibility. Within this expanded architecture, universities, media, and digital repositories emerge as fiduciary institutions of the Fourth Estate—co-equal constitutional actors charged with safeguarding the integrity of democratic knowledge.

The chapter first traced the evolution of fiduciary law from private trust to public duty, demonstrating that fiduciary principles of entrustment and accountability apply equally to epistemic institutions entrusted with truth rather than capital (Frankel, 1983; Frankel, 2011; Smith, 2023; Criddle, Miller & Sitkoff, 2019). It then reinterpreted the Fourth-Estate doctrine (Kahl, 2025l) as a constitutional framework encompassing universities as organs of epistemic governance whose decisions shape the credibility of all other branches of power. Through this lens, epistemic integrity was defined as the analogue of the rule of law: a condition of coherence, transparency, and fairness in the production and communication of truth (Raz, 1986; Habermas, 1984). The chapter concluded by advancing the concept of an *Epistemic Fiduciary Constitution*, proposing legal and organisational mechanisms—statutory duties, epistemic audits, public-beneficiary standing, and transparency registers—to embed fiduciary openness within the institutional design of higher education (Kahl, 2025t).

Collectively, these arguments establish fiduciary openness as the normative and constitutional principle that sustains the epistemic rule of law. When epistemic institutions act with candour and accountability, democracy retains its moral coherence; when they succumb to opacity, patronage, or market capture, governance collapses into epistemic authoritarianism. The constitutional health of a polity, therefore, depends upon the fiduciary integrity of its universities no less than upon the legality of its courts or the probity of its legislature.

Yet this reconstruction also faces a critical objection. Bray and Miller (2020, p. 1483) reject the notion of *fiduciary constitutionalism* as conceptually unsound, warning that to treat the constitution itself as a fiduciary instrument risks conflating private entrustment with public authority. Their critique illuminates the methodological pivot undertaken here. Rather than collapsing constitutionalism into fiduciary doctrine, this study rehabilitates the concept at a different register—as epistemic constitutionalism, where fiduciary principles supply the moral grammar that legitimises the exercise of epistemic power. What follows therefore addresses precisely what Bray and Miller leave open: how fiduciary duty operates not as metaphor but as diagnostic criterion for institutional legitimacy in the governance of knowledge.

Having defined the fiduciary ideal, the argument must now confront its negation. The transition from Chapter 2 to Chapter 3 marks a methodological shift—from normative construction to diagnostic inquiry. The architecture of fiduciary duty becomes the analytical lens through which breach can be recognised and named. What follows is not speculation about ideals but a forensic account of their corrosion: an examination of how managerialism, marketisation, and performative compliance have inverted the fiduciary compact.

Chapter 3, *The Hybrid University: Market Loyalty versus Knowledge Integrity*, applies this constitutional framework diagnostically. It traces how fiduciary breach manifests within contemporary higher-education

governance—through market rationality, bureaucratic control, and the rhetoric of compliance that displaces epistemic candour. Drawing upon policy analysis and comparative evidence from recent regulatory reforms, it exposes the structural tension between market loyalty and fiduciary duty. By analysing how universities rationalise or conceal this conflict, the chapter demonstrates that restoring epistemic integrity requires more than procedural reform: it demands the re-founding of the university as a fiduciary institution of truth.

3. The Hybrid University: Market Loyalty vs Knowledge Integrity

3.1 Chapter Overview and Aims

This chapter diagnoses how universities have evolved into hybrid institutions—organisations suspended between two incompatible modes of allegiance: fiduciary duty to public truth and contractual loyalty to market imperatives. Once conceived as moral trustees of the knowledge commons, universities have, under the pressures of neoliberal reform and global competition, assumed the dual character of public guardian and private enterprise. Their constitutional role as fiduciaries of epistemic welfare now coexists uneasily with their market function as service providers competing for students, funding, and visibility (Brown & Carasso, 2013; Deem et al., 2007; Kahl, 2025o).

The first aim of this chapter is to analyse how marketisation restructures the fiduciary relationship between the university and the public. In fiduciary terms, the traditional relation of trust and candour has been supplanted by a quasi-contractual logic grounded in exchange rather than duty (Frankel, 2011, pp. 62–64). Marketisation has converted beneficiaries into consumers and transformed fiduciary care into client satisfaction. The result is what Kahl (2025n) terms fiduciary inversion: a process by which institutions designed to serve truth gradually begin to serve their own survival, reputation, and revenue.

The second aim is to identify the institutional mechanisms that concretise this fiduciary breach—namely, managerial opacity, network capture, and branding-based optocracy. These mechanisms operate as epistemic technologies that obscure accountability, entrench dependence, and substitute visibility for veracity. Managerial opacity masks decision-making behind bureaucratic rhetoric; network capture entangles universities in consultancy and ranking regimes that monetise epistemic legitimacy; and optocracy transforms the appearance of transparency into a performative spectacle of virtue (Kahl, 2025y; 2025z). Each mechanism represents a distinct failure of fiduciary candour and accessibility.

The third aim is to examine how the hybrid logic of the modern university mirrors the epistemic clientelism observed in algorithmic governance and AI firms. In *Redefining Democracy for the Age of AI* (Kahl, 2025k), algorithmic platforms were shown to constitute hybrid fiduciaries: private entities wielding public epistemic power without constitutional accountability. Universities now exhibit a parallel pathology—exercising delegated authority over truth under the incentives of capital accumulation. Both operate within systems of epistemic dependence in which trust is instrumentalised rather than earned.

The objective of the chapter, therefore, is to expose the moral and structural contradictions inherent in the hybrid university. It argues that the crisis of knowledge integrity is not a managerial problem but a constitutional one. Efforts at reform that focus on efficiency, compliance, or branding merely reproduce the pathologies they seek to correct. Restoring epistemic integrity requires the re-founding of the university within

the fiduciary-epistemic constitution outlined in Chapters 1 and 2—anchoring governance once more in candour, care, loyalty, and accessibility as the moral and legal conditions of truth.

3.2 The Hybrid Condition: Between Truth and Capital

3.2.1 Historical Background of Marketisation

The modern university's hybrid condition has deep historical roots in the gradual transformation of higher education from a public moral trust into a market enterprise. The post-war welfare university embodied the ideals of Newman's *Idea of a University* (1852) and Humboldt's *Bildung* (1809/1990), in which intellectual cultivation was inseparable from civic duty. Haldane's 1918 report to the British government reinforced this fiduciary conception by describing universities as trustees of national intellect—autonomous yet accountable to the public good (Haldane, 1918).

By the late twentieth century, however, the university had evolved into what Marginson and Considine (2000) termed the enterprise university: a managerial corporation operating within quasi-markets of students, rankings, and research funding. Bourdieu (1988) had already diagnosed this shift as the subordination of academic capital to the logic of the market: symbolic prestige and scholarly autonomy increasingly determined by institutional power and economic patronage. Fuller (2001) later captured the epistemological consequence of this shift—the replacement of collegial knowledge stewardship with a model of knowledge management, in which information is treated as a strategic asset to be controlled, audited, and monetised. In this managerial epistemology, trust is displaced by systems of control, and knowledge becomes a commodity rather than a civic commitment.

A parallel analysis emerged in governance scholarship. Tapper and Palfreyman (2010, pp. 3–7) show how the expansion of mass higher education precipitated the decline of the collegial tradition, replacing reciprocal scholarly accountability with hierarchical managerial oversight. Bleiklie and Kogan (2007, pp. 480–482) likewise characterise the contemporary university as a hybrid governance system in which professional, managerial, and state logics coexist uneasily, generating principal–agent conflicts and undermining the fiduciary coherence of academic institutions. Marginson (2016, pp. 12–18) situates these developments within a broader international trajectory: the erosion of the public-good university ideal and the consolidation of globally competitive, market-driven systems.

Policy shifts under successive governments—most notably the neoliberal reforms of the 1980s onward—replaced block-grant funding with performance-linked mechanisms such as the Research Assessment Exercise and its successor, the Research Excellence Framework. Tuition-fee regimes reframed students as clients; metrics supplanted peer trust; and audit culture displaced collegial self-governance (Brown & Carasso, 2013, pp. 15–20).

Not all commentators regard this transformation as unequivocally corrosive. Marginson (2016, chs 1–2) notes that market devices have, in some jurisdictions, expanded participation and created new forms of institutional diversity, complicating any simple dichotomy between 'public' and 'commercial' universities. Williams (2016) likewise concedes that framing higher education as a quasi-commodity has at times enabled resource mobilisation and responsiveness to student demand. From a fiduciary-constitutional standpoint, however, these partial gains do not cure the underlying breach. Expanded access achieved through market dependency may increase the reach of universities while simultaneously eroding the terms on which epistemic authority is exercised. The question is not whether marketisation can deliver efficiency or participation, but whether it

preserves the fiduciary duties of candour, care, loyalty, and accessibility that historically grounded universities' claim to act 'for others in law' rather than for themselves in commerce.

From the standpoint of fiduciary theory, this transformation represents a profound erosion of fiduciary candour. Frankel (2018, pp. 5–6) observes that the rise of fiduciary law itself was a societal response to growing complexity and the erosion of interpersonal trust—an institutional mechanism for transforming vulnerability into cooperation. The same logic applies inversely here: as higher education became more complex, the fiduciary scaffolding that once ensured candour and loyalty was replaced by contractual governance and market dependency. State withdrawal and market substitution severed the bond of trust upon which epistemic legitimacy depended. Fiduciary care was recoded as customer service; loyalty to truth yielded to loyalty to brand. In Smith's (2023) terms, the university ceased to act "for others in law" and began to act for itself in commerce. The fiduciary university became a hybrid entity—part public trustee, part commercial actor—operating under incompatible moral economies (Kahl, 2025i, § 2.3; 2025t, § 3.1; Criddle et al., 2019).

3.2.2 Dual Allegiance and Epistemic Schizophrenia

This hybridisation produced what Kahl (2025n) calls dual allegiance: a structural tension between universities' fiduciary obligation to epistemic welfare and their contractual duty to investors, students-as-clients, and ranking bodies. The fiduciary duty demands candour, impartiality, and devotion to the public good; the contractual duty demands profitability, efficiency, and prestige. These obligations operate under contradictory moral economies—truth versus capital—and together generate the condition of epistemic schizophrenia that defines the contemporary university.

Governance scholarship reinforces this diagnosis. Bleiklie and Kogan (2007, pp. 480–482) describe modern universities as multi-logic organisations in which professional, managerial, and state paradigms coexist uneasily, producing chronic tensions in decision-making and accountability. Tapper and Palfreyman (2010, pp. 15–18) similarly show how the erosion of the collegial tradition left behind no coherent successor ethos: managerialism imposed hierarchical clarity, but at the cost of displacing shared academic judgment. Marginson (2016, pp. 21–26) extends the analysis internationally, arguing that universities now inhabit structurally incompatible roles—as competitive global firms and as civic public institutions—without the governance architecture required to reconcile them. Together, these accounts situate dual allegiance not as anomaly but as structural inevitability within hybrid marketised systems.

Some accounts of the 'enterprise university' treat this hybridity as a potential strength. Marginson and Considine (2000, ch. 8) suggest that universities' dual positioning—in state, market, and civil society—creates strategic flexibility and opportunities for institutional innovation. Barnett (1997, pp. 3–5) similarly frames higher education as operating within 'supercomplexity', requiring institutions to negotiate multiple, sometimes conflicting, value systems. On this view, the coexistence of public and commercial logics is an adaptive response to environmental complexity. The present analysis accepts the descriptive insight but rejects the normative complacency. Hybridity can be adaptive only if the fiduciary core remains intact. When the duty of loyalty to the epistemic public is subordinated to reputational and commercial imperatives, dual allegiance ceases to be a resource and becomes a mechanism of constitutional drift.

When the Higher Education System Flashes Red (Kahl, 2025n) identifies the operational symptoms of this condition: governance opacity, compliance saturation, and institutional exhaustion. Universities exhibit all the signs of fiduciary overload—obliged to serve too many masters while accountable to none. The result is fiduciary paralysis: the inability to act transparently because every disclosure threatens some stakeholder interest.

At the same time, *Higher Education as Critical Infrastructure* (Kahl, 2025o) demonstrates that universities have become indispensable to national resilience, supplying the epistemic capital that underwrites innovation, public health, and democratic deliberation. Yet these same institutions remain governed as competitive markets rather than as fiduciary organs of the state. The paradox is acute: the more universities are relied upon for epistemic stability, the more their internal governance emulates corporate volatility. The fiduciary compact that once bound them to society has fractured, replaced by short-term contracts, performance incentives, and brand management.

3.2.3 The Fiduciary Dissonance Model

Kahl's broader epistemic-psychological framework (2025a; 2025x) provides a lens through which this crisis can be understood as a form of institutional cognitive dissonance. Universities profess a public mission of truth while simultaneously internalising the instrumental rationality of the market. This divergence between self-image and operational logic generates fiduciary dissonance: a sustained tension between the institution's moral identity and its behavioural incentives.

This analysis applies the Kahl Model of Epistemic Dissonance (KMED), originally developed to describe epistemic conflict within interpersonal relationships, to the governance domain. KMED's four-phase structure —recognition (ϱ), suppression (σ), containment (φ), and integration (π)—provides a general grammar for modelling how agents, whether individuals or institutions, negotiate contradictions between normative self-conception and behavioural incentives. Institutional fiduciary breach follows the same logic: epistemic recognition is suppressed, conflict is routinised through organisational containment, and integration fails, producing chronic fiduciary dissonance.

The fiduciary-dissonance model posits that such conflict produces chronic epistemic stress within organisational systems. Decision-makers resolve this tension not by restoring candour but by rationalising breach—redefining public service as market adaptation, transparency as branding, and accountability as metric compliance. The institution thus preserves psychological equilibrium at the cost of epistemic integrity (Festinger, 1957; Kahl, 2025a, § 2.1).

This dissonance constitutes the structural stress preceding epistemic collapse. When the incongruity between fiduciary ideals and market practices becomes unmanageable, the system compensates through performance theatre—what Kahl (2025z) terms *optocratic simulation*. Appearances of openness replace openness itself; moral legitimacy is maintained through visual reassurance rather than ethical substance. The hybrid university, therefore, is not merely unstable but internally self-contradictory: it depends on fiduciary rhetoric to justify practices that steadily erode fiduciary reality.

3.3 Forms of Fiduciary Breach in the Hybrid University

The hybrid university does not simply oscillate between public and private logics; it institutionalises their contradiction. Its fiduciary duties to candour and accessibility are systematically undermined by organisational practices that valorise secrecy, dependency, and spectacle. These practices can be grouped into three recurrent forms of fiduciary breach: managerial opacity, network capture, and branding-based optocracy. Each represents a distinct mechanism through which the university's constitutional commitment to epistemic integrity is displaced by loyalty to market or reputational imperatives.

3.3.1 Managerial Opacity

Managerial opacity denotes the concealment of decision-making and institutional intent behind corporate secrecy and the rhetoric of compliance. Under the banner of "transparency," universities increasingly operate as bureaucratic black boxes: information is curated, filtered, and rendered digestible for reputational rather than fiduciary ends. Governance documents, equality statements, and audit reports proclaim accountability while obfuscating substantive deliberation (Brown & Carasso, 2013, pp. 22–25).

Barnett's analysis of the contemporary university as operating within 'supercomplexity'—a landscape marked by proliferating and competing epistemic frameworks—offers a more sanguine account of managerial expansion (Barnett, 1997, pp. 3–5). On this view, opacity reflects the unavoidable ambiguity of governing a system whose purposes can no longer be singularly defined. Yet a fiduciary reading reveals that such complexity cannot justify the collapse of candour. Complexity may require flexibility, but it does not license obscurity. Opacity becomes problematic precisely when it shields discretionary power from the public it is meant to serve. What Barnett describes as supercomplexity is, under fiduciary analysis, the precondition for heightened duties of candour and accountability—not their suspension. The hybrid university does not breach fiduciary trust because it is complex; it breaches trust because it deploys complexity as a rationale for non-disclosure.

The erosion of candour is visible in three domains. First, funding transparency is compromised by the proliferation of undisclosed partnerships and consultancy arrangements. Second, internal governance has migrated from collegial deliberation to executive decision-making, where policies are justified through reference to risk management rather than moral principle. Third, disclosure has been aestheticised: slogans of openness replace genuine accountability, producing what Kahl (2025y, § 2.2) calls the "semiotics of care." *Epistemic Violence or Simply Good Marketing?* (Kahl, 2025y) analyses this phenomenon as performative transparency—a communicative act that reassures the public while concealing the institution's fiduciary breach.

The University of Reading's LLM Experience (Kahl, 2025u) provides an empirical microcosm of this process. There, managerial communication exhibited what Kahl terms optocratic management: decision-making governed by the optics of empathy rather than by epistemic honesty. Students and staff were treated as audiences for reputational maintenance rather than as interlocutors in fiduciary dialogue. In fiduciary terms, managerial opacity constitutes a double violation—of candour, through selective disclosure, and of accessibility, through the transformation of governance into performance.

3.3.2 Network Capture

If managerial opacity conceals internal breach, network capture institutionalises external dependence. It refers to the consolidation of epistemic influence through ranking agencies, consultancy firms, and quasi-regulatory cartels that define and monetise credibility. These networks create epistemic monopolies over visibility, dictating what counts as excellence, impact, or world-class status. The result is a system in which universities compete for symbolic capital under rules written by private intermediaries (Shattock, 2010, pp. 31–33).

Kahl's *Report on Times Higher Education: Conflicts of interest in rankings, journalism, and consultancy* (2025 aa) documents this dynamic in detail, revealing how ranking agencies operate as commercial gatekeepers rather than neutral arbiters. Their metrics are designed to incentivise participation in paid consultancy and advertising schemes, thereby converting epistemic reputation into revenue streams. This is a textbook case of fiduciary breach: institutions entrusted with public knowledge outsource their evaluative authority to actors driven by profit, subordinating candour to competitive visibility.

Biesta's argument that education entails a 'beautiful risk'—the exposure to interruption, uncertainty, and the unpredictable emergence of subjectivity (Biesta, 2013, ch. 1)—illuminates what is lost when universities become enmeshed in network dependencies. Networked governance eliminates precisely the forms of epistemic risk that Biesta treats as constitutive of education. In fiduciary terms, these networks function as mechanisms of containment: they convert the risks inherent in critical inquiry into reputational liabilities to be managed. The result is a structural incentive to suppress dissonance, interruptive thought, or politically inconvenient knowledge. What Biesta defends as the ethical core of education—the willingness to encounter uncertainty—is reconfigured under network capture as a fiduciary breach of care: the institution protects itself rather than cultivating the autonomy of those entrusted to it.

The phenomenon parallels what *Redefining Democracy for the Age of AI* (Kahl, 2025k) describes as algorithmic capture. In both contexts, feedback loops ensure that epistemic value follows capital rather than truth: visibility determines validity, and data metrics substitute for moral judgment. The captured university thus mirrors the captured algorithmic firm—each sustained by a self-referential economy of metrics, each alienated from the fiduciary public it claims to serve.

3.3.3 Branding-Based Optocracy

The culmination of fiduciary breach is branding-based optocracy—what Kahl (2025z, § 2.1) defines as *rule by appearance*. Optocracy governs perception rather than reality, reducing institutional virtue to the orchestration of optics. In the university context, it manifests through marketing campaigns, social-media choreography, and the ubiquitous rhetoric of "excellence," "diversity," and "innovation." These symbols, while ostensibly progressive, often function as epistemic camouflage: they perform care and inclusion while masking structural opacity.

Kahl's *Substitutive Visibility and Epistemic Monarchism in Academia* (2025z) argues that under optocratic conditions, visibility replaces veracity as the criterion of institutional legitimacy. Attention supplants understanding; the university becomes an epistemic brand whose credibility derives from recognisable imagery rather than intellectual integrity. The fiduciary duty of accessibility is thus inverted: knowledge is made visible but not available—circulated through public-relations channels stripped of substantive content.

Branding-based optocracy completes the cycle of fiduciary erosion initiated by managerial opacity and network capture. What begins as concealment ends as simulation. The fiduciary virtues of candour, care, and loyalty are hollowed out, leaving only their visual traces. The hybrid university performs the theatre of integrity while structurally enacting its opposite—a condition Kahl (2025y) aptly terms the *aestheticisation of breach*.

3.4 Epistemic Clientelism and the Algorithmic Analogy

3.4.1 From Algorithmic Firms to Academic Hybrids

The hybrid university and the algorithmic firm share a structural pathology: both are hybrid fiduciaries—institutions exercising public-trust powers under private-interest incentives. In *Redefining Democracy for the Age of AI*, Kahl (2025k) demonstrated that major AI platforms occupy a liminal position between public infrastructure and private enterprise. They curate the epistemic environment upon which citizens depend, yet their operations are governed by proprietary algorithms and shareholder imperatives. The result is a form of algorithmic sovereignty—authority without accountability, knowledge without candour.

Universities now exhibit a parallel condition. They, too, claim the moral prestige of public institutions while operating within competitive markets that reward visibility, profit, and compliance. Like AI firms, they manage information asymmetries between the producers and consumers of knowledge. Academic governance, increasingly mediated by data systems, resembles algorithmic governance: both rely on feedback loops that privilege efficiency over deliberation and metrics over meaning (Kahl, 2025k, § 3.2).

This structural convergence yields three shared dynamics: dependence, opacity, and feedback capture. Dependence arises when stakeholders—users or students—cannot verify the integrity of the system upon which they rely. Opacity emerges when decision-making is obscured by technical or bureaucratic complexity. Feedback capture completes the cycle: performance metrics recalibrate behaviour in ways that reinforce the system's own logic. Whether in algorithmic platforms or academic hierarchies, fiduciary candour is replaced by statistical self-reference. Knowledge ceases to be fiduciary; it becomes recursive.

3.4.2 Epistemic Clientelism in Higher Education

Kahl's *Epistemic Clientelism Theory* (2025h) provides a conceptual vocabulary for diagnosing this condition. Epistemic clientelism describes the social structure that emerges when epistemic agency—the ability to produce and validate knowledge—is mediated through hierarchical dependency rather than fiduciary dialogue. Within higher education, this structure manifests through funding dependence, supervisory hierarchies, and publication gatekeeping. Each relation purports to nurture intellectual development but in practice conditions compliance. Scholars and students learn to anticipate the expectations of their evaluators, internalising deference as the price of legitimacy.

In *The Silent Shadows* (Kahl, 2025g), this condition is rendered allegorically as an epistemic cave system in which light—symbolising truth—is refracted through the walls of institutional mediation. The cave dwellers mistake the patterns on the wall for the source of illumination itself. This metaphor captures the epistemic inversion at the heart of the clientelist university: authority displaces truth as the criterion of recognition. Gatekeepers control access to credibility, and dependence becomes the invisible architecture of knowledge production.

Under such conditions, fiduciary openness is supplanted by *clientelist psychology*. Trust no longer flows from transparency but from patronage; epistemic welfare is not a shared end but a negotiated privilege. The scholar becomes both dependent and complicit, navigating institutional hierarchies that reward loyalty over candour and conformity over curiosity (Kahl, 2025h, § 3.1). What began as a fiduciary structure of care thus devolves into an economy of epistemic dependence—a transformation that mirrors the algorithmic colonisation of autonomy in digital platforms (Fricker, 2007, pp. 1–2; Medina, 2013, pp. 92–95).

3.4.3 The Mimetic Trap of Metrics

The institutional psychology of epistemic clientelism is reinforced through what may be termed the mimetic trap of metrics. Within the hybrid university, metrics are both the instrument and the justification of governance. Citation indices, student-satisfaction scores, and international rankings establish a culture of performative compliance in which visibility becomes synonymous with value. The logic of quantification reshapes epistemic behaviour: researchers prioritise measurable outcomes; departments chase Key Performance Indicators; and institutions optimise for appearance rather than truth (Brown & Carasso, 2013; Shattock, 2010).

Kahl's *Cognitive Dissonance as Epistemic Event* (2025a) offers a psychological explanation for this phenomenon. When the moral self-conception of scholarship—as pursuit of truth—conflicts with institutional demands for

market performance, cognitive dissonance arises. Instead of confronting the contradiction, individuals resolve it through adaptive rationalisation: they persuade themselves that what benefits the metric also benefits knowledge. Over time, this self-deception stabilises a culture of epistemic conformity—a collective narrowing of dissonance tolerance that ensures organisational harmony at the expense of intellectual integrity (Festinger, 1957; Kahl, 2025a, § 2.2).

The outcome is a self-reinforcing epistemic loop analogous to algorithmic optimisation in AI systems. Just as machine-learning models amplify patterns in their training data, universities amplify the behavioural patterns rewarded by metrics. The institution becomes an epistemic feedback machine, optimising for prestige rather than truth. The metric, designed as a proxy for excellence, becomes its substitute. In fiduciary terms, the metric usurps the trustee: fiduciary candour collapses into numerical performance, and epistemic integrity is quantified out of existence.

3.5 Case Analyses and Empirical Illustrations

While the preceding sections have examined fiduciary breach in conceptual and structural terms, this section substantiates those claims through concrete illustrations. Each case demonstrates how the erosion of fiduciary candour and accessibility manifests within distinct domains of higher-education governance, communication, and policy. Together they reveal that breach is not an incidental failure of management but a systemic feature of the hybrid university's institutional logic.

Case 1: The Aesthetic of Care — University Marketing Campaigns

Kahl's *Epistemic Violence or Simply Good Marketing?* (2025y) exposes the communicative paradox of contemporary university marketing: campaigns designed to appear authentic, inclusive, and caring while concealing underlying epistemic asymmetries. Through semiotic analysis of visual and rhetorical tropes— diversity imagery, aspirational slogans, and the invocation of "global excellence"—Kahl demonstrates that institutional communication functions as fiduciary theatre.

This aesthetic of care masks fiduciary breach. Instead of cultivating genuine dialogue with epistemic beneficiaries, universities engage in affective signalling designed to maintain consumer trust. The imagery of openness substitutes for candour; the rhetoric of empowerment replaces accessibility. As Kahl (2025y, § 3.2) notes, "marketing becomes a prophylactic against epistemic scrutiny." Fiduciary duties of honesty and loyalty are displaced by performative empathy—a communicative style that neutralises critique while preserving brand coherence. The institution appears transparent while remaining epistemically opaque.

Case 2: Policy Frameworks and Compliance Metrics

The Office for Students (OfS), the statutory regulator of higher education in England, offers a paradigmatic example of fiduciary inversion in policy form. The OfS framework codifies obligations of "transparency," "quality," and "accountability," yet these are operationalised through performance indicators, risk registers, and compliance audits (Office for Students, 2022). What emerges is a procedural simulation of fiduciary duty: a governance model that measures virtue numerically while neglecting its moral substance.

In fiduciary terms, the OfS model replaces dialogical accountability—the reciprocal exchange of reasons between institution and beneficiary—with algorithmic accountability, in which compliance is demonstrated by metrics alone (Kahl, 2025o, § 2.4). Universities respond not by engaging the public but by optimising internal processes to satisfy regulatory thresholds. The fiduciary duty of candour becomes an exercise in data

management; care becomes risk avoidance; accessibility becomes brand management. The result is what Kahl (2025n) describes as fiduciary paralysis under compliance pressure—an institutional culture so preoccupied with demonstrating integrity that it loses the capacity to enact it.

Case 3: Transparency Reports in AI Firms and Academic Governance

A cross-comparison with AI firms' transparency practices further underscores the structural analogy between algorithmic and academic governance. In *Redefining Democracy for the Age of AI* (Kahl, 2025k), transparency reports produced by major technology companies are analysed as performative disclosures: documents that promise openness while reinforcing epistemic asymmetry. Proprietary constraints and selective reporting ensure that the public remains dependent on the firm's self-representation of honesty.

Universities employ an analogous strategy. Annual reports, equality statements, and research-integrity disclosures are crafted less as instruments of candour than as reputational artefacts. Both AI firms and universities practice what Kahl (2025k, § 4.2) terms *fiduciary containment*: the controlled release of information designed to maintain trust without relinquishing power. In both domains, transparency becomes a managed performance that reproduces dependence—the defining feature of epistemic clientelism.

Synthesis

Across these three cases, a single pattern emerges. Fiduciary breach in the hybrid university is not a deviation from policy but a consequence of its design. Market and regulatory structures incentivise opacity, spectacle, and self-referential disclosure. The language of transparency becomes the architecture of concealment; accountability becomes a metric; integrity becomes a brand. Each case thus exemplifies the systemic substitution of fiduciary openness with epistemic theatre.

The implications reach beyond higher education. As Kahl's broader corpus demonstrates (2025k; 2025l; 2025i), the same fiduciary erosion characterises the governance of AI, media, and corporate power. The university's crisis is therefore not local but paradigmatic—a mirror reflecting the epistemic condition of modern governance itself.

3.6 Consequences of Fiduciary Failure

The fiduciary failure of the hybrid university reverberates beyond organisational dysfunction: it produces epistemic, moral, and psychological consequences that weaken the social contract of knowledge. When fiduciary candour collapses, the university ceases to operate as a moral trustee of truth and becomes a self-referential system of compliance. This section traces three dimensions of that degradation: epistemic externalities, the moral–psychological erosion of resilience, and the prospect of systemic collapse or fiduciary insolvency.

3.6.1 Epistemic Externalities

Fiduciary breach generates epistemic externalities—diffuse harms that arise when knowledge institutions cease to act in good faith. By prioritising metrics, image, and capital over candour, universities inadvertently create conditions of epistemic inequality and public mistrust. Access to legitimate knowledge becomes uneven: epistemic authority concentrates in elite institutions and commercial networks, while independent and peripheral voices are marginalised (Fricker, 2007; Medina, 2013).

Kahl's *Epistemic Justice and Institutional Responsibility in Academia* (2025s) conceptualises this condition as a fiduciary dereliction: the university's failure to distribute epistemic care equitably. The breach not only disenfranchises those excluded from decision-making but undermines the credibility of truth itself. A public once confident in the disinterestedness of scholarship is now confronted with its commodification.

The resulting cognitive environment is one of alienated trust: scholars doubt their institutions; citizens doubt scholars. Fiduciary candour, which once bound the two in a relation of epistemic reciprocity, dissolves into suspicion. As Kahl observes in *Speaking into Dissonance* (2025x, § 2.1), societies that suppress discomfort lose their capacity for intellectual repair; mutual trust decays when interlocutors cease to tolerate epistemic friction. The first casualty of fiduciary failure is therefore not knowledge itself, but the shared confidence that knowing can still be honest.

Tajfel and Turner's (2004) social-identity framework reinforces this analysis: epistemic conformity arises not only from coercion but from the desire to maintain positive group identity. Within universities, dependence on supervisors, departments, or institutional brands encourages identification with epistemic in-groups, amplifying conformity and suppressing dissent. Fiduciary breach thus functions through social belonging as much as through hierarchy, anchoring epistemic authority in group loyalty rather than truth.

3.6.2 Moral and Psychological Costs

The moral and psychological costs of fiduciary breach emerge in the lived experience of scholars and students. Managerial optocracy—governance through optics—erodes the individual's ability to endure dissonance between institutional rhetoric and ethical conviction. As Kahl's *Cognitive Dissonance as Epistemic Event* (2025a) argues, dissonance is not pathology but the precondition of epistemic integrity: it signals moral tension that invites reflection and reform. Yet the hybrid university converts that tension into liability. Discomfort is pathologised; conformity is rewarded. Over time, this institutional conditioning lowers dissonance tolerance, producing compliance, burnout, and epistemic fatigue—the exhaustion that arises when moral discomfort has no legitimate outlet.

The Silent Tree (Kahl 2025w) extends this diagnosis into the phenomenology of silence: the moment when epistemic fatigue crystallises as collective muteness. Silence here is not the absence of sound but the institutionalisation of inexpressibility—a regime in which speech itself becomes a reputational risk. By aestheticising quietude as professionalism and restraint as virtue, managerial systems transform what should be fiduciary attentiveness into affective censorship. The moral damage is cumulative: scholars internalise the expectation of deference until conscience becomes inaudible.

Here *Speaking into Dissonance* (Kahl 2025x) provides the normative counterpoint. It calls for rebuilding dissonance tolerance as a form of epistemic resilience—the ability to sustain discomfort without surrendering to fear or apathy. The paper proposes that true intellectual growth depends on cultivating environments where friction, disagreement, and uncertainty are not suppressed but fiduciarily supported. From this perspective, the moral injury inflicted by managerialism lies not in the presence of conflict but in the institution's refusal to accommodate it. A fiduciary university would therefore protect rather than pacify cognitive dissonance, recognising it as the affective substrate of candour, courage, and creativity.

DeMott (1988, pp. 910–912) reminds us that fiduciary breach is the paradigmatic failure of moral restraint—the moment when power, unbounded by loyalty, becomes self-referential. Her analysis illuminates the university's moral pathology: the shift from conscience-governed discretion to incentive-driven obedience. Where fiduciary duty once civilised institutional power through self-limitation, managerial culture dissolves that restraint into

instrumental rationality. The moral cost is therefore constitutional as well as personal: the corruption of judgment into performance.

As Stenner (2005, pp. 12–17) demonstrates, the authoritarian dynamic is activated not by ideology but by normative threat: when cognitive or moral uncertainty rises, individuals gravitate toward uniformity, hierarchy, and obedience. Managerial cultures that suppress ambiguity therefore reproduce precisely the psychological conditions that intensify authoritarian submission. The hybrid university, by pathologising dissonance and rewarding conformity, inadvertently manufactures the very intolerance of plurality that undermines its epistemic mission.

3.6.3 Collapse Scenarios

At the systemic level, the erosion of fiduciary trust threatens institutional viability. When the obligations of truth exceed an institution's capacity to fulfil them, a state of fiduciary insolvency ensues: credibility deficits accumulate faster than they can be repaid through genuine transparency. Once trust is depleted, the mechanisms of self-correction—peer review, public scrutiny, internal dissent—cease to function. The organisation continues administratively but no longer commands epistemic legitimacy.

Kahl (2025n) likens this dynamic to critical-infrastructure failure: cascading breaches in fiduciary systems produce epistemic blackouts analogous to power-grid collapse. The comparison with AI governance is instructive. In *Redefining Democracy for the Age of AI* (2025k), algorithmic systems that lose human oversight devolve into self-reinforcing opacity; they cannot detect their own errors because their feedback loops are corrupted. The same is true of the marketised university. Once managerial, reputational, and financial metrics become the arbiters of success, the institution forfeits the capacity to detect moral error. Its outputs may persist, but its meaning evaporates.

As Frankel (1983) and Miller & Gold (2015) each argue, fiduciary structures exist precisely to prevent such recursive collapse by embedding duty within discretion. Their absence transforms autonomy into self-corruption. Universities now stand perilously close to this threshold. Their fiduciary capital—public trust in the integrity of knowledge—is nearly exhausted. Without a constitutional re-anchoring in fiduciary openness, the system risks epistemic default. To avoid collapse, universities must re-learn the discipline of speaking into dissonance—to treat moral discomfort not as threat but as evidence of life within a still-recoverable conscience.

3.7 Chapter Summary and Transition

Chapter 3 has revealed the hybrid university as a constitutional contradiction: an institution that publicly professes devotion to truth while privately serving the imperatives of capital. It has shown that the moral coherence of the university's fiduciary identity has fractured under the pressures of marketisation and managerialism, producing a dual allegiance between epistemic welfare and financial self-interest. The result is a structure in which fiduciary duties of candour, care, loyalty, and accessibility are continually subordinated to reputational and commercial considerations.

Three principal forms of fiduciary breach have been mapped. Managerial opacity conceals decision-making behind bureaucratic rhetoric and the aesthetic of "transparency," replacing candour with curated visibility (Kahl, 2025y; 2025u). Network capture embeds universities within a cartel of ranking agencies and consultancy firms that monetise epistemic authority, creating feedback loops in which credibility follows capital (Kahl, 2025aa; 2025k). Finally, branding-based optocracy completes the cycle by transforming virtue into performance,

substituting appearance for substance and visibility for veracity (Kahl, 2025z). Collectively, these breaches expose how fiduciary trust has been displaced by epistemic clientelism—the logic of dependence and managed loyalty that Kahl (2025h) identifies as the psychological foundation of institutional power.

The chapter further demonstrated that this condition is not unique to higher education but forms part of a wider structural pattern also visible in AI and platform governance (Kahl, 2025k). Both algorithmic and academic hybrids operate as fiduciary paradoxes: institutions wielding public-trust powers under private-interest incentives. Their crises of legitimacy thus share a common etiology—the erosion of fiduciary candour through feedback capture and market dependency. What begins as institutional adaptation ends as epistemic distortion.

Through case analyses and theoretical synthesis, the chapter has argued that the hybrid university's failures are constitutional rather than managerial. They stem not from poor leadership but from the misalignment of institutional purpose and fiduciary principle. The resulting breaches produce profound epistemic and psychological consequences: inequality, mistrust, and the erosion of dissonance tolerance—the very capacities necessary for intellectual courage and public reasoning (Kahl 2025s; 2025a; 2025x). The chapter therefore concludes that restoring knowledge integrity requires not reform within the existing framework but re-foundation—the re-constitutionalisation of the university as an epistemic fiduciary of truth.

Chapter 4, *Mechanisms of Epistemic Capture and Conditioning*, extends the analysis from institutional structure to the cognitive and behavioural mechanisms through which fiduciary breach reshapes academic life. Whereas Chapter 3 exposed the university's constitutional contradiction, the next chapter investigates how that contradiction becomes internalised within patterns of thought, pedagogy, and interaction. It examines how managerialism and market dependency operate as technologies of epistemic control—conditioning scholars and students to conform to the logic of visibility, compliance, and performative reason.

Drawing upon *Cognitive Dissonance as Epistemic Event* (Kahl, 2025a) and *Speaking into Dissonance* (Kahl, 2025x), Chapter 4 traces how institutions reproduce epistemic capture through psychological and pedagogical habituation: how the metrics, audits, and aestheticised transparency that sustain hybrid governance gradually reshape epistemic agency itself. The analysis moves from the fiduciary architecture of the university to the micro-processes of epistemic conditioning, showing that what fails in governance ultimately reconfigures cognition. In doing so, the chapter begins to chart the anatomy of epistemic capture—the transformation of education into managed perception and of inquiry into adaptive obedience.

4. Mechanisms of Epistemic Capture and Conditioning

The transition from fiduciary-legal analysis to epistemic-psychological interpretation requires a brief clarification of method. The argument that follows does not psychologise institutions, nor does it collapse normative analysis into empirical neuroscience. Rather, it proceeds by *structural analogy and epistemic correspondence*: the same fiduciary dynamics that govern relations of trust and accountability at the institutional level—entrustment, discretion, vulnerability, and candour—also operate, in modified form, within individual cognition and social learning.

In fiduciary terms, institutional breach represents the external manifestation of an internal process of dissonance resolution: when organisational actors experience the conflict between epistemic duty and institutional interest, they respond by suppressing cognitive dissonance, reproducing conformity rather than candour (Festinger 1957; Kahl 2025a). This mechanism, observable at the level of institutional culture, has a

micro-psychological analogue in what Kahl (2025f) calls the *architecture of obedience*—the translation of fiduciary vulnerability into internalised deference.

Accordingly, the ensuing chapter treats cognitive dissonance, conformity, and learned obedience as *fiduciary-psychological phenomena*: moral failures of candour and care embodied in the habits of thought that sustain institutional stability. The purpose is diagnostic, not deterministic. By integrating epistemic psychology with fiduciary ethics, the analysis demonstrates that the erosion of fiduciary openness at the cognitive level is both symptom and cause of the university's constitutional decay.

As Kahl (2025c, §§ 2.1–2.3) has argued, fiduciary morality is itself a cognitive discipline: a form of *epistemic humility* that regulates judgment through awareness of dependency and fallibility. The extrapolation that follows therefore extends this moral-psychological logic inward, treating the mind as a fiduciary domain in which candour and care must be maintained against the pressures of conformity. While no empirical claims are advanced, the conceptual synthesis aligns with current cognitive-neuroscientific accounts of predictive coding and entropy regulation (Friston 2010; Carhart-Harris et al. 2014), providing a consistent neuro-epistemic backdrop for fiduciary openness as a condition of cognitive freedom.

4.1 Chapter Overview and Aims

This chapter examines how fiduciary breach at the institutional level becomes inscribed within the cognitive, affective, and behavioural life of the academic community. If Chapter 3 exposed the constitutional contradictions of the hybrid university—its simultaneous service to truth and capital—this chapter descends into the micro-foundations of that condition: the mechanisms by which institutional structures reproduce epistemic conformity in the minds and habits of those who inhabit them.

The central argument is that the failure of fiduciary openness does not merely distort governance; it conditions cognition. The loss of candour, care, and accessibility in the institution's moral architecture manifests as the suppression of cognitive plurality in its agents. Scholars and students, subject to managerial surveillance and performative assessment, internalise the epistemic logic of obedience: thinking becomes anticipatory compliance, and moral judgment is displaced by reputational calculation. What emerges is a system in which individuals unconsciously reproduce the dependencies that disempower them—a dynamic Kahl (2025f) characterises as the architecture of obedience.

To analyse this descent from institutional breach to cognitive effect, the chapter deploys the Kahl Model of Epistemic Dissonance (KMED) as the bridging framework. Originally formulated to explain how individuals negotiate contradictions within interpersonal fiduciary relationships, KMED's four-phase grammar— recognition (ϱ), suppression (σ), containment (φ), and integration (π)—generalises to institutional environments. Under managerial regimes that penalise candour and reward conformity, epistemic recognition (ϱ) is routinely suppressed (σ), conflict is normalised through procedural containment (φ), and opportunities for integration (π) collapse. This recursive pattern constitutes fiduciary dissonance: the institutional analogue of psychological dissonance, produced when entrusted-power structures violate their own moral preconditions.

Objectives

This chapter pursues three primary objectives.

First, it connects the macro-level fiduciary breaches identified in Chapter 3—managerial opacity, network capture, and branding-based optocracy—to their micro-level epistemic effects on scholars and students. These

effects, though psychological in expression, are fiduciary in origin: they arise from sustained exposure to environments that reward compliance and penalise candour (Kahl 2025a; 2025f).

Here the σ- and φ-phases of KMED provide the operative grammar: institutional contradictions are suppressed and then routinised through organisational containment, creating stability at the cost of intellectual autonomy.

Second, it conceptualises epistemic conditioning as a fiduciary-psychological process—a systemic failure of care manifesting as the institutional suppression of cognitive diversity. Under epistemic clientelism (Kahl 2025e; 2025h), relationships of trust become channels of dependence, and pedagogical care becomes a vector of control. The result is a culture of epistemic safetyism in which discomfort—normally the ϱ-phase signal prompting moral reflection—is pathologised as risk and suppressed as inefficiency.

Third, it frames the university as a laboratory of obedience—a site where institutional survival strategies are internalised as psychological reflexes. Drawing on Authoritarianism and the Architecture of Obedience (Kahl 2025f), the chapter argues that the mechanisms of bureaucratic compliance, once justified as managerial necessity, have evolved into technologies of epistemic normalisation analogous to Foucault's disciplinary mechanisms in *Discipline and Punish* (1991). These technologies produce not only external control but internalised deference—obedience that feels voluntary because it has been moralised as professionalism.

In KMED terms, prolonged σ-phase suppression without π-phase integration results in rigidity, dependency, and cognitive closure.

Structure

The chapter unfolds across five interrelated sections, each examining a distinct dimension of epistemic conditioning:

- **§ 4.2 Epistemic Conformity and Dissonance Avoidance** — analyses how institutions teach individuals to manage moral discomfort through learned avoidance rather than reflective engagement (Kahl, 2025a; 2025f).

- **§ 4.3 Technologies of Normalisation** — identifies performative assessment, managerial surveillance, and marketing rhetoric as disciplinary instruments that stabilise conformity while aestheticising control.

- **§ 4.4 Neurocognitive Capture** — draws on Carhart-Harris's (2014) "entropic brain" theory and Friston's predictive-coding model to demonstrate how epistemic conditioning reduces cognitive variability, producing neural analogues of fiduciary closure.

- **§ 4.5 Pedagogical Dependence and Epistemic Intimacy** — applies *Epistemic Clientelism in Intimate Relationships* (Kahl, 2025e) to academic hierarchies, revealing how trust and care are exchanged for loyalty and compliance.

- **§ 4.6 Synthesis — The Cognitive–Constitutional Bridge** — integrates these analyses into the broader argument that the erosion of fiduciary openness at the cognitive level anticipates its constitutional collapse, thus preparing the transition to Chapter 5, *The University as Epistemic Gatekeeper — The Fourth Estate*.

Through this progression, the chapter reframes epistemic conformity not as an incidental by-product of managerial culture but as a moral and psychological manifestation of fiduciary failure. What is at stake is not

only the autonomy of thought but the moral ecology of knowing—the fiduciary compact between truth and the minds that sustain it.

4.2 Epistemic Conformity and Learned Dissonance Avoidance

This section focuses on candour as a fiduciary duty and shows how its collapse manifests as learned dissonance avoidance.

Epistemic conformity within the modern university does not arise primarily through coercion but through a more pervasive psychological process of learned dissonance avoidance. Performance regimes, evaluative hierarchies, and managerial rituals condition individuals to associate moral discomfort with professional risk, thereby teaching them to suppress or neutralise dissonance rather than engage with it. In KMED terms, institutions truncate the ϱ-phase (recognition) and accelerate individuals into a chronic σ-phase (suppression), inhibiting the fiduciary function of discomfort as a cue for reflection. What emerges is a patterned transformation of moral unease into epistemic obedience.

1. Dissonance as Fiduciary Signal

In *Cognitive Dissonance as Epistemic Event* (Kahl 2025a), dissonance is reinterpreted as a fiduciary signal: an affective alert that a duty of candour or care has been breached. When scholars feel tension between epistemic ideals (truthfulness, fairness, intellectual honesty) and institutional imperatives (metrics, brand loyalty, compliance), that tension marks the moment at which the epistemic constitution has failed them. The ϱ-phase should allow such recognition to prompt fiduciary dialogue.

Instead, hybrid universities treat such discomfort as pathology—evidence of non-cooperation or insufficient "resilience." Candour becomes recoded as unprofessionalism; principled dissent becomes reframed as obstructiveness. This institutional reframing suppresses the σ-phase's ethical function: dissonance is no longer a diagnostic resource but a private burden. Thus, the institution disables the very mechanism through which moral repair could occur.

2. Authoritarian Conditioning

Kahl's *Authoritarianism and the Architecture of Obedience* (2025f) synthesises classic findings by Asch (1951), Milgram (1974), and Festinger (1957), showing that authority becomes internalised when epistemic dependency replaces critical autonomy. Obedience emerges not from fear but from perceived necessity—an adaptive response when dissent carries cognitive or reputational costs.

Milgram's participants complied because responsibility felt displaced onto a higher authority. Universities reproduce this displacement through bureaucratic diffusion: managerial directives, compliance frameworks, and ranking pressures are parcelled across committees and offices until no single actor feels responsible for epistemic harm. As Medina (2013, pp. 94–97) notes, such systems foster meta-ignorance: a state in which individuals remain unaware of their own epistemic blind spots because conformity appears rational. The σ-phase becomes a habitual posture.

3. Institutional Resolution of Tension

Institutions complete the cycle by transforming moral discomfort into administrative procedure. Instead of enabling reflection or candour, universities routinise unease through "consultation exercises," wellbeing

campaigns, and procedural listening sessions. These rituals absorb critique into bureaucratic form, diffusing emotional and ethical tension into paperwork. What should become φ-phase (containment oriented toward eventual π-integration) becomes a dead end: containment without transformation.

This procedural pacification—what Kahl (2025f, § 3.2) terms *therapeutic governance*—comforts while it constrains. It neutralises dissent through affective management, ensuring that dissonance remains an internal state rather than a catalyst for institutional change.

4. Outcome: Anticipatory Obedience

Sustained exposure to these dynamics produces anticipatory obedience: individuals internalise institutional expectations before they are expressed. Scholars learn to think in ways that minimise risk, to avoid raising questions that might trigger scrutiny, and to self-edit in anticipation of evaluative judgement. This anticipatory alignment exemplifies what Kahl (2025a, § 2.3) calls the *cognitive economy of deference*—a strategy for navigating opaque hierarchies by suppressing the ϱ-phase entirely.

The effect is a collapse of epistemic autonomy. Candour gives way to reputational calculation; intellectual courage yields to managerial prudence; dissonance tolerance becomes a liability rather than a virtue. The university achieves stability not through integrity but through the institutionalisation of σ-dominant cognition —a permanent suppression of the fiduciary impulse toward truthfulness.

Transition:

This dynamic prepares the ground for §4.3, which analyses the institutional machinery—assessment regimes, surveillance technologies, and optocratic rhetoric—through which universities stabilise this suppressed cognitive posture. These mechanisms constitute the disciplinary infrastructure of epistemic normalisation, sustaining the σ→φ loop that prevents fiduciary reintegration (π) and entrenches conformity as the dominant mode of academic life.

4.3 Technologies of Epistemic Normalisation

Here, the fiduciary duties of candour, care, and accessibility are traced through their managerial re-coding as transparency, wellbeing, and engagement.

The university's transformation into a managerial enterprise entails not only institutional restructuring but the installation of a disciplinary architecture that shapes conduct, perception, and self-understanding. Drawing on Foucault's *Discipline and Punish* (1991), this section examines contemporary higher-education practices as technologies of epistemic normalisation: instruments that make conformity appear rational, desirable, and even ethical. Through assessment, surveillance, and marketing rhetoric, managerial universities re-code fiduciary virtues—candour, care, and accessibility—into their managerial simulacra: transparency, wellbeing, and engagement. In the process, epistemic openness is displaced by a system in which obedience is aestheticised as professionalism.

1. Performative Assessment

Assessment regimes have become the primary technology through which epistemic worth is rendered legible. Grading systems, citation metrics, and "student experience" surveys convert judgment into spectacle, producing what Kahl (2025y, § 3.1) terms *metric theatre*: the simulation of trust through the choreography of

numbers.

Brown and Carasso (2013, pp. 22–28) show how marketised assessment regimes transform academic excellence into a competitive commodity, measured by satisfaction scores, league-table position, and citation performance.

Within this regime, moral worth becomes quantifiable: integrity is inferred from productivity metrics; programme legitimacy is indexed to Net Promoter Scores; research candour is displaced by reporting efficiency. The fiduciary duty of candour—truthful, context-sensitive evaluation—is replaced by the managerial virtue of transparency: visibility without accountability.

In KMED terms, the assessment apparatus suppresses ϱ-recognition by ensuring that dissonance is never allowed to manifest; scholars learn to anticipate evaluative gaze and pre-emptively align themselves with expected norms. Assessment thus ceases to cultivate reflection and instead stabilises the σ-phase of suppression: the emotional mechanics of obedience become embedded in the evaluative structure itself.

2. Managerial Surveillance

Where assessment measures conformity, surveillance ensures its continuity. Digital dashboards, key-performance indicators, learning-analytics platforms, and administrative monitoring systems instantiate what Foucault (1991) identified as the *panoptic gaze*: visibility as a mechanism of self-governance.

In *The University of Reading's LLM Experience* (Kahl 2025u), surveillance is shown to extend beyond performance data to epistemic life itself. Every communicative act—emails, submissions, attendance, Teams interactions—is potentially observable, archivable, and usable as reputational signal. The constant possibility of observation produces what Kahl calls reflexive obedience: a pre-emptive self-censorship misrecognised as prudence.

Under this logic, the fiduciary duty of care—attentiveness to the substance of intellectual growth—is re-encoded as managerial "wellbeing," a metricised form of pastoral concern that monitors affect rather than nurtures autonomy. Spreadsheets stand in for judgment; algorithmic indicators replace fiduciary dialogue.

Surveillance thereby cements a σ→φ loop: discomfort is suppressed (σ), and dissent is contained (φ) in ways that prevent progression to π-integration—the reflective reckoning through which institutional repair might occur.

3. Marketing Rhetoric

Marketing rhetoric supplies the narrative layer that binds assessment and surveillance into a coherent moral image of the university. Institutional communications deploy the language of inclusivity, global excellence, and transformative learning to generate what Kahl (2025z, § 2.2) calls *optocratic dependency*: the alignment of belonging with brand visibility. Through this rhetoric, compliance is moralised as participation; critique is reframed as negativity.

In *Substitutive Visibility and Epistemic Monarchism in Academia* (Kahl 2025z), this logic is conceptualised as rule by appearance: legitimacy derives from optics rather than candour. Diversity campaigns, strategic narratives, and "impact stories" function less as instruments of justice and more as instruments of reassurance—confirming the institution's self-image rather than interrogating its practices.

Here, the fiduciary duty of accessibility—equitable openness of knowledge—is replaced by "engagement," a brand-centred notion that emphasises emotional affinity over epistemic inclusion. Marketing performs fiduciary virtue without practising it; it produces an affective ecology in which individuals feel cared for while being subtly guided into alignment.

Analytical Bridge

Together, these technologies constitute the infrastructure of epistemic normalisation. Each transforms a fiduciary duty into its managerial analogue:

Fiduciary Duty	Managerial Keyword	Mode of Aesthetic Control
Candour	"Transparency"	Quantified accountability
Care	"Wellbeing"	Therapeutic paternalism
Accessibility	"Engagement"	Brand participation

Table 4.1 — Public Relations Vocabulary.

Through these substitutions, fiduciary governance becomes a theatre of virtue: the university appears ethical precisely because it has learned to perform ethics. The result, as Kahl (2025f) argues, is an architecture of obedience sustained not by coercion but by the beauty of its own design. Epistemic norms are stabilised aesthetically; conformity becomes a moral aesthetic rather than a disciplinary imposition.

This prepares the conceptual transition to §4.4, where epistemic normalisation is traced into its neurocognitive consequences. What begins as managerial performance becomes biological habit: fiduciary closure reproduced as reduced neural entropy.

4.4 Neurocognitive Capture: The Reduction of Epistemic Entropy

From a fiduciary perspective, this concerns primarily the duty of care: the obligation to preserve the cognitive conditions for intellectual growth.

If earlier sections described epistemic capture as an institutional process, its deepest manifestation occurs within cognition itself. At the neurobiological level, fiduciary breach translates into entropy suppression—a measurable contraction of cognitive variability and exploratory thought. Drawing upon Carhart-Harris's entropic-brain hypothesis and Friston's predictive-coding framework, and building on epistemic psychology's account of cognition as entrusted inference, this section argues that chronic exposure to hierarchical certainty conditions the brain to prefer predictability over discovery. The result is a neurocognitive analogue of fiduciary closure: stability purchased through the foreclosure of plurality.

1. Predictive Stability

Under Friston's predictive-coding model, the brain operates as a probabilistic inference engine, continuously minimising prediction error by updating internal generative models. Cognition depends upon a dynamic equilibrium between surprise and confirmation; the system requires uncertainty in order to refine its models.

Hierarchical university environments destabilise this equilibrium. When institutional signals indicate that deviation incurs sanction—through assessment rubrics, surveillance dashboards, reputational hierarchies, or the performativity of "professional tone"—individuals internalise a low-variance predictive stance. Ideas are filtered for institutional acceptability before conscious articulation; inference becomes anticipatory self-editing.

This dynamic aligns with the KMED sequence. Hierarchical pressure dampens ϱ-recognition, preventing the initial awareness of epistemic dissonance. Instead, cognition adapts in the σ-suppression phase: the mind

short-circuits novelty to minimise institutional risk. In effect, the mind mirrors the institution—optimised for accuracy within a fixed frame rather than discovery beyond it.

2. Entropy Suppression

Carhart-Harris et al. (2014) conceptualise high neural entropy as the condition that allows flexibility, imagination, and the recombination of cognitive priors. High-entropy states enable the exploration of alternative generative models; low-entropy states privilege order, repetition, and hierarchical control.

Managerial universities reward the latter. Assessment metrics, audit procedures, and reputational incentives valorise reproducibility and punish deviation. Scholars therefore learn to inhabit low-entropy cognitive regimes: efficient, predictable, and stable, yet epistemically impoverished. What presents as rigour often conceals an underlying pathology—variability suppressed into compliance.

In *Re-founding Psychology as Epistemic Psychology* (Kahl 2025d), this dynamic is framed as a systemic re-engineering of the human cognitive environment. Psychology is reconceived not as the study of isolated minds but as the study of autonomy and dependence under epistemic conditions. Entropy suppression thus represents a fiduciary breach at the level of cognition itself: the abdication of epistemic responsibility in favour of stabilising control.

Cognitive Dissonance as Epistemic Event (Kahl 2025a) interprets this directly as a distortion of the ϱ-phase. Dissonance—once a cue for moral reflection—is reframed as inefficiency. Avoidance of discomfort narrows cognitive variance, while institutional feedback loops reward the σ-phase, preventing progression to φ-containment and π-integration, the phases through which epistemic repair would normally occur.

3. Epistemic Rigidity

Chronic entropy suppression produces epistemic rigidity—a reduction in cognitive flexibility that undermines innovation. From a fiduciary standpoint, this constitutes a breach of epistemic care: the failure to preserve the conditions for intellectual renewal.

Just as fiduciary candour sustains corrigibility in governance, neural entropy sustains corrigibility in cognition. When both are compromised, self-correction ceases. Individuals display the hallmarks of what Kahl (2025f) calls the *architecture of obedience*: internalised control masquerading as professionalism.

Neurologically, the system becomes over-fitted: priors are too rigid, prediction errors too costly, and alternative models too threatening. Morally, the system becomes self-protective: candour is displaced by reputational calculation. What emerges is a psychological analogue of bureaucratic capture—cognitive safety purchased at the cost of epistemic possibility.

4. Fiduciary Openness and Neural Entropy

Kahl (2025a, § 3.4) extends the entropic-brain hypothesis into fiduciary-epistemic theory by proposing that fiduciary openness correlates with neural entropy. Environments characterised by trust, relational reciprocity, and tolerance of dissonance—conditions akin to the π-integration phase—enhance exploratory inference. They produce neural landscapes capable of revising priors, entertaining alternatives, and generating novel predictions.

This conceptual bridge is central to epistemic psychology. If cognition is fundamentally relational, then epistemic environments operate as fiduciary ecologies: spaces that either widen or constrict the brain's inferential latitude. Authoritarian or excessively hierarchical environments collapse this ecology. They compress ethical and neural openness into conformity, reducing the system's capacity for both insight and moral judgment.

Outcome

Universities that systematically reduce epistemic entropy produce cognitively stable yet intellectually sterile communities. Predictive comfort replaces curiosity; conformity substitutes for creativity. The resulting cognitive ecology mirrors fiduciary breach: a closed system secure in its own certainty yet incapable of renewal.

Restoring fiduciary openness at the institutional level—by designing environments that tolerate ambiguity, cultivate relational autonomy, and reward exploratory risk—is therefore not merely pedagogical or moral reform. It is a neurocognitive necessity. Epistemic plurality is not an optional luxury of the academy; it is the biological condition for the entropic vitality of thought.

4.5 Pedagogical Dependence and Epistemic Intimacy

This section centres on loyalty and care as fiduciary duties and examines how their inversion generates epistemic dependence.

Pedagogy, in its deepest sense, is a fiduciary relationship. It involves the entrustment of epistemic vulnerability —the learner's openness to formation—to the judgment and care of another. Ideally, this relation cultivates autonomy through trust: the teacher's authority is exercised for the student's epistemic welfare. Yet within the hybrid university, this fiduciary intimacy is increasingly distorted into dependency. Drawing upon *Epistemic Clientelism in Intimate Relationships* (Kahl, 2025e), this section interprets pedagogy as a form of institutionalised intimacy, where care and loyalty—rather than fostering independence—become instruments of epistemic capture. The result is a moral inversion: trust is exchanged for compliance, and growth is replaced by reassurance.

1. Epistemic Transference

Learning requires an act of transference. Students project epistemic authority onto teachers, supervisors, and institutions, investing them with the credibility needed for belief. Kahl (2025e, §§ 2.2–2.4) describes this as *epistemic transference*—the cognitive mechanism by which individuals outsource judgment in pursuit of validation, stability, or belonging.

In fiduciary terms, this projection is legitimate only when reciprocated by candour, care, and the promotion of epistemic autonomy. It becomes exploitative when the fiduciary accepts trust without returning empowerment.

Hierarchical supervision and summative assessment intensify this dependence. The student's intellectual worth becomes indexed to the mentor's approval. Over time, this dynamic induces what Festinger (1957) would call a dissonance-minimising equilibrium of deference: dissent feels unsafe because it threatens the relationship that confers validation.

Within the KMED framework, this dynamic suppresses the ϱ-recognition of epistemic dissonance. Instead of confronting tension, the student enters σ-suppression, anticipating the supervisor's evaluative gaze and adjusting thought pre-emptively. Intellectual autonomy is replaced by anticipatory alignment—thinking as simulation of authority.

2. Pedagogical Affect

Universities increasingly aestheticise "care". Feedback systems, mentoring schemes, wellbeing programmes, and "student experience" campaigns perform compassion as institutional identity. Yet, as *The University of Reading's LLM Experience* (Kahl, 2025u, § 4.3) demonstrates, these gestures frequently operate as affective governance: a soft power that stabilises compliance through emotional reassurance rather than genuine fiduciary care.

The rhetoric of support becomes a disciplinary instrument: the management of anxiety without the address of its structural causes.

This produces what Kahl (2025y) terms *feedback theatre*—ritualised cycles of evaluation and encouragement that simulate dialogue while preserving hierarchy. Through these rituals, the fiduciary virtue of care—once the commitment to intellectual risk, critique, and frankness—is recoded as therapeutic containment. Provided the student feels supported, the institution appears virtuous, even as it neutralises the discomfort through which autonomy would otherwise grow.

This reflects the KMED φ-containment phase captured in inverted form: discomfort is held not for integration (π) but for neutralisation. The relational bond is preserved; the epistemic purpose is lost.

3. Fiduciary Distortion

At the centre of pedagogical dependence lies a distortion of fiduciary virtue.

Properly understood:

- **Care** obliges the fiduciary to cultivate autonomy, not comfort.

- **Loyalty** requires safeguarding the beneficiary's epistemic welfare, not institutional or relational harmony.

- **Candour** demands truthful feedback, not euphemistic reassurance.

In pedagogical dependence, each virtue is inverted. Care becomes overprotection; loyalty becomes allegiance; candour becomes performance.

The teacher's obligation to promote independence is replaced by the managerial imperative to preserve satisfaction, mitigate complaint, and maintain reputational equilibrium. The relationship that should empower instead domesticates.

This represents a fiduciary breach. The institution performs openness while concealing the structural asymmetry that sustains its authority. "Student voice" campaigns epitomise this inversion: framed as participatory democracy, they pre-script acceptable dissent, converting critique into sentiment analysis. The affective grammar of care becomes the operational grammar of control.

4. Moral Paradox

The ultimate paradox is moral.
Education that guarantees emotional safety at all costs ceases to educate.

Growth requires dissonance, tension, and the courage to think against oneself. In *Speaking into Dissonance* (Kahl, 2025x, §§ 1.2–1.4, 3.1), this developmental capacity is defined as dissonance tolerance (DT)—the ability to endure cognitive discomfort without collapsing into avoidance or appeasement. DT is the emotional substrate of epistemic autonomy.

Yet managerial pedagogy systematically erodes DT by pathologising discomfort as a failure of wellbeing. The fiduciary duty of care thus becomes its opposite: the pacification of thought under the banner of support. Emotional equilibrium replaces intellectual honesty; moral courage is displaced by professionalised reassurance.

In the KMED model, this prevents transition from $\varrho \to \pi$: the discomfort that should generate insight never matures; instead, it is diverted into institutional loyalty.

Thus pedagogical dependence becomes the interpersonal analogue of fiduciary breach in governance. Just as institutions trade truth for stability, teachers and mentors trade autonomy for relational harmony.

Illustrative Cases

This fiduciary distortion manifests across academic structures:

- **Supervisory hierarchies** — doctoral candidates calibrate research to anticipated approval, internalising evaluative gaze as conscience.

- **Progression reviews** — feedback rituals convert inquiry into performance; anxiety displaces curiosity.

- **Student-voice campaigns** — marketed as democratic participation, they function as data extraction, not dialogue (Kahl, 2025y, § 3.1).

- **Wellbeing infrastructures** — soft compliance mechanisms that soothe dissonance rather than cultivate resilience.

Each case exemplifies the same paradox: pedagogical trust, which should empower, becomes the mechanism by which epistemic dependence is reproduced.

Conclusion

Pedagogical dependence and epistemic intimacy constitute the micro-foundations of epistemic capture. They reveal how fiduciary virtues can be ethically inverted: how care becomes containment, loyalty becomes submission, and candour becomes performance. Restoring fiduciary integrity to pedagogy therefore requires reconfiguring intimacy through candour, not reassurance, and reimagining care as the courage to facilitate dissonance rather than to suppress it.

Only when pedagogy reclaims its fiduciary vocation—to cultivate autonomy through truth—can the university recover its moral identity as an institution that teaches freedom rather than dependence.

4.6 Synthesis — The Cognitive–Constitutional Bridge

The preceding sections traced the descent of fiduciary breach from the institutional to the psychological plane: from managerial opacity and performative care to the neurocognitive conditioning of thought itself. What emerges is a unified structure of epistemic capture operating across scales—governance, pedagogy, and cognition—through the same fiduciary mechanics: discretion without candour, dependence without care, and authority without accountability. This section consolidates those findings and repositions them within the constitutional argument of the paper.

1. From Fiduciary Breach to Cognitive Capture

Fiduciary law assumes that delegated discretion must be counterbalanced by duties of candour, care, and loyalty to prevent domination. Within universities, the same asymmetry governs epistemic relations: supervisors, administrators, and institutions hold discretionary authority over others' intellectual welfare. When fiduciary duties deteriorate, discretion curdles into domination. The architecture of obedience described in Kahl (2025f) is therefore not merely a bureaucratic arrangement but a psychological condition—an internalisation of hierarchical certainty.

Klaas (2021, pp. 109–113) shows how authority shapes conscience: responsibility is displaced upwards, obedience is moralised, and power disguises self-interest as service. Reinterpreted through *Cognitive Dissonance as Epistemic Event* (Kahl 2025a, § 3.4), this dynamic constitutes fiduciary dissonance: the moral discomfort produced when autonomy encounters institutional expectation, resolved not through dialogue but through anticipatory conformity.

At its root, this internalisation rests upon the affective architecture formed in infancy. *The Newborn's First Cry as Epistemic Claim* (Kahl 2025b) identifies the cry as humanity's first fiduciary demand—an invocation of candour, care, and fidelity. Education and governance repeat this structure: vulnerability seeks candour, dependence expects reciprocity. When institutions fail to answer that epistemic cry with reciprocal care, the developmental logic of trust mutates into the political logic of obedience. Performative assessment, affective governance, and informational surveillance convert external constraint into self-discipline.

This dynamic affirms that autonomy is relational, not solitary. As MacKenzie and Stoljar (2000) argue, autonomy depends upon networks of trust, mutual recognition, and supportive relational scaffolding. Fiduciary dissonance surfaces precisely when these relational conditions collapse—when the structures meant to sustain autonomy instead generate conformity. Fiduciary openness thus becomes the institutional precondition for relational autonomy: freedom secured through reciprocity rather than detachment.

2. Micro-Authoritarianism and the Collapse of Variability

At the micro level, the entropic-brain (Carhart-Harris et al., 2014) and predictive-coding (Friston, 2010) models reveal how hierarchical certainty reduces cognitive variability. The mind learns to minimise prediction error by pre-emptively aligning with institutional expectations. Novelty becomes threat; surprise becomes risk. Cognitive variance collapses into stability.

This micro-authoritarianism parallels the phenomenon Kuyumcu and Méndez-Grueso (2025, p. 84) call *microfascist encounters*—everyday affective exchanges where individuals reproduce domination through the desire for harmony, predictability, and belonging. Within universities, the same affective infrastructure governs pedagogical relationships and managerial care: emotional reassurance becomes a disciplinary technique, and safety rhetoric displaces the intellectual courage required for critique.

Micro-authoritarianism is therefore not a residue of totalitarian history but its quotidian reenactment in institutional intimacy. The collapse of cognitive entropy mirrors the closure of authoritarian information systems: the suppression of variability, exploration, and dissent. As epistemic plurality contracts, so too does the capacity for self-correction. Predictive comfort becomes epistemic stagnation.

3. From Cognitive Closure to Constitutional Decay

The erosion of fiduciary openness in cognition foreshadows its breakdown in governance. A university incapable of sustaining dissonance within its classrooms cannot protect dissent within society. As *Speaking into Dissonance* (Kahl 2025x) demonstrates, the collapse of dissonance tolerance (DT) is a constitutional symptom: the inability to sustain plural reasoning under pressure.

The epistemic constitution depends upon precisely this capacity—holding contradiction without collapse, privileging candour over consensus, and tolerating uncertainty as a condition of inquiry. When cognitive and affective scaffolds for dissonance fail, epistemic integrity dissolves from within. The fiduciary compact that sustains democratic legitimacy—trust in institutions that mediate truth—becomes untenable.

Universities, once the cognitive commons of society, devolve into epistemic bureaucracies that mimic the predictability of the systems they are meant to critique. The mind becomes the first site of constitutional decay; the university becomes its institutional mirror.

4. Integrative Claim

Epistemic capture—whether expressed as institutional clientelism, affective dependency, or psychological obedience—is a single phenomenon viewed at different levels of resolution. The fiduciary-epistemic model reveals its unity: the moral principles that govern just power (candour, care, loyalty, accessibility) are as necessary for cognition as for the constitution.

The university's task is therefore doubly constitutional:

- it must sustain the openness of thought upon which inquiry depends, and

- it must sustain the openness of governance upon which legitimacy rests.

Fiduciary virtues form the bridge between mind and polity. When they fail in one domain, they fail in both.

Transition

This synthesis closes the loop between the fiduciary psychology of obedience and the constitutional architecture of knowledge. Chapter 5 re-ascends from cognition to institutional design, examining how universities, alongside media and digital repositories, function as constitutional epistemic actors. It shows how the erosion of fiduciary openness at the individual level manifests as systemic failure within the epistemic constitution itself.

5. The University as Epistemic Gatekeeper — The Fourth Estate

5.1 Chapter Overview and Aims

The argument now ascends from psychology to constitution. Having traced the fiduciary-epistemic logic from its moral foundations (Chapter 1) through institutional design (Chapter 2), hybrid breach (Chapter 3), and cognitive conditioning (Chapter 4), this chapter turns to the structural restoration of epistemic legitimacy. It situates the university within what Kahl (2025l) terms the *Fourth Estate*—the epistemic branch of democratic governance charged with safeguarding the integrity of truth, credibility, and public reason. The task here is not descriptive but constitutional: to delineate how universities, alongside media and emerging algorithmic entities, perform fiduciary functions essential to the rule of knowledge.

Foucault's analysis of disciplinary power provides a crucial non-Kahl foundation for conceiving knowledge institutions as constitutional actors. For Foucault, the organisation of knowledge—its circulation, validation, and institutional anchoring—is inseparable from the organisation of power (Foucault, 1991). Knowledge institutions thereby constitute a fourth estate not because they possess political authority but because they shape the epistemic conditions under which political authority becomes intelligible. Habermas's notion of the public sphere (Habermas, 1984) reinforces this view: institutions that mediate access to knowledge perform a structural role in sustaining the communicative rationality upon which legitimacy depends.

Arendt's account of authority, as rooted in public action and shared world-building (Arendt, 1958), underscores the fiduciary scope of this role: knowledge institutions sustain the common world by curating the conditions of epistemic visibility. Rawls (1971) implicitly treats truth-mediating institutions as fiduciaries of the public reason they enable. Together these frameworks affirm the core claim: universities are not merely service providers but constitutional actors whose failures reverberate through the political and epistemic order.

The *Fourth Estate* is defined as the domain through which society governs the conditions of truth. If the legislature formulates law, the judiciary interprets it, and the executive enforces it, the *Fourth Estate* defines what may legitimately count as *knowledge* upon which those other branches depend. Its jurisdiction is epistemic rather than territorial: it adjudicates evidence, mediates credibility, and sustains the communicative rationality on which democratic deliberation rests (Habermas, 1984, pp. 27–28). The legitimacy of the political constitution therefore presupposes the integrity of the epistemic constitution. Without fiduciary openness in the governance of knowledge, the legal and political orders lose their moral ballast.

This chapter advances three framing questions.

1. **What is the constitutional basis for recognising universities as fiduciary organs of epistemic governance?** The discussion will establish that universities, like courts and legislatures, exercise delegated authority on behalf of the public. Their discretion over epistemic capital entails enforceable fiduciary duties of candour, care, loyalty, and accessibility (Frankel, 1983, pp. 795–796; Smith, 2014; Kahl, 2025i).

2. **How has the gatekeeping function evolved and been captured?** Tracing the genealogy from collegial peer review to algorithmic and journalistic hybridisation, the analysis will show how fiduciary candour gave way first to reputational economics within academia and then to media-managerial opacity. The transition from scholarly to commercial gatekeeping—what *Against the Peer Review Empire* (Kahl 2025q) identifies as the commodification of peer trust and what *How Institutional Corruption Captured UK Higher*

Education Journalism (Kahl 2025p) documents as fiduciary opacity in the press—recasts epistemic trusteeship as market arbitration, eroding the public's trust in the university as a constitutional actor.

3. **What forms of legal and moral accountability can preserve epistemic integrity?** Building upon the fiduciary-constitutional framework developed in *Epistemic Gatekeepers as the Fourth Estate* (Kahl, 2025l) and *Redefining Democracy for the Age of AI* (Kahl, 2025k), the chapter will propose fiduciary gatekeeping as a principle of constitutional design—binding universities to the same standards of impartiality and transparency expected of the judiciary.

Taken together, these questions re-frame the university's crisis not as an ethical lapse or governance failure but as a constitutional one. To restore democratic legitimacy, the epistemic branch must be recognised and regulated with the same seriousness as the other three. Chapters 5–7 therefore complete the paper's trajectory: from fiduciary morality to constitutional restoration, culminating in the proposal for an *Epistemic Fiduciary University* capable of re-anchoring truth within the moral architecture of democracy.

5.2 The Constitutional Logic of the Fourth Estate

The epistemic constitution of democracy depends upon a fourth branch of governance—one that secures the integrity of truth itself. While the legislature, executive, and judiciary regulate conduct, power, and justice, none can function without the precondition of credible knowledge. As Kahl (2025l, § 2.1) argues, epistemic gatekeepers such as universities, media, and scientific repositories collectively form the *Fourth Estate*: a constitutional domain responsible for maintaining society's trust in truth. Their authority is not coercive but fiduciary, grounded in delegated responsibility rather than command.

Classical accounts of the university reinforce this constitutional role. For Newman, the university is a community of inquiry whose legitimacy derives from its devotion to truth rather than utility (Newman, 1852). Humboldt's model of Bildung posits the university as a public moral trust, cultivating autonomy through independent scholarship. These traditions align with fiduciary theory: autonomy requires institutional conditions that protect disinterested judgment.

More critical scholarship reveals how this role deteriorates when universities become embedded in competitive markets and epistemic hierarchies. Bourdieu (1988) shows how symbolic capital stratifies access to epistemic authority; Fuller (2001) notes the shift toward knowledge management, where information becomes a strategic resource rather than a civic good. Biesta's "beautiful risk" (2013) clarifies the normative loss: education becomes impossible when institutions eliminate the epistemic uncertainty necessary for subject formation.

These perspectives support the fiduciary-constitutional thesis: universities ought not to merely produce knowledge but maintain the epistemic conditions under which public judgment can flourish. The hybrid university, however, performs this role inconsistently or not at all.

5.2.1 The Four-Branch Parity Model

The democratic constitution can be reconceived as a quadripartite system in which each branch performs a distinct fiduciary function:

Branch	Constitutional Function
Legislature	Creates and enacts norms of conduct

Judiciary	Interprets and tests legality
Executive	Implements and enforces policy
University / Fourth Estate	Defines and tests truth

Table 5.1 — The Four-Branch Parity Model.

The first three branches presuppose the epistemic integrity of the fourth. Lawmaking requires credible evidence; adjudication depends upon truthful testimony; administration relies on expert knowledge and public trust. When the epistemic foundations of these processes are corrupted, the entire constitutional structure loses legitimacy. Thus, the *rule of law* rests upon a prior *rule of knowledge* (Habermas, 1984, pp. 27–28; Kahl, 2025k).

This parity model reframes the university not as an ancillary educational institution but as a constitutional organ. Its mission—to generate, verify, and disseminate knowledge—is equivalent in normative weight to the judiciary's obligation to adjudicate fairly or the legislature's duty to represent faithfully. In Habermasian terms, the *Fourth Estate* sustains the communicative rationality of the polity: the discursive infrastructure that allows reason, rather than force, to govern collective life. Without the fiduciary openness of universities and related epistemic institutions, public reason collapses into spectacle and politics degenerates into marketing.

5.2.2 Fiduciary Gatekeeping

"Gatekeeping" in this context is not an editorial privilege but a fiduciary office. As Kahl (2025l, § 2.2) clarifies, epistemic gatekeepers act as trustees of the public's epistemic capital—curating, validating, and transmitting knowledge held in trust for collective use. Their mandate derives from entrustment, not ownership: they do not possess truth but steward its accessibility and reliability.

The fiduciary duties of the *Fourth Estate* mirror those codified in equity jurisprudence (Frankel, 1983; Smith, 2014; Miller & Gold, 2015):

- **Candour** – the duty of truthful disclosure in research, teaching, and institutional communication. As Smith (2014, pp. 612–614) emphasises, the loyal exercise of judgment requires that discretion be guided by integrity rather than advantage; candour thus becomes the epistemic analogue of constitutional probity— the quality that sustains legitimacy through openness.

- **Care** – the obligation to exercise diligence and methodological integrity in validating knowledge, reflecting the fiduciary's conscientious administration of entrusted assets (Frankel, 1983).

- **Loyalty** – fidelity to the epistemic public rather than to private sponsors or ideological patrons; a duty that guards against conflicts of interest and self-dealing.

- **Accessibility** – the equitable dissemination of knowledge as a common good, resisting enclosure or paywalled privatisation, thereby realising fiduciary fairness as distributive justice.

Each duty safeguards a dimension of the epistemic commons, and their interdependence forms the constitutional ethic of truth governance. Breach of any one constitutes not merely institutional misconduct but constitutional violation. A failure of epistemic candour parallels judicial bias; manipulation of research for political or financial gain is epistemic corruption, equivalent in gravity to executive abuse of power. In both law and knowledge, the fiduciary principle functions as the moral architecture preventing discretion from collapsing into domination (Frankel, 2011; Miller & Gold, 2015; Criddle et al., 2019).

5.3 Genealogy of Gatekeeping

The fiduciary function of the university—to mediate credibility through collegial candour—has undergone a profound transformation. What began as a moral vocation of communal scrutiny evolved into a bureaucratic industry of validation. This section reconstructs the genealogy of that evolution, tracing two major waves of epistemic capture: first, the bureaucratisation of peer review; second, the commercialisation of knowledge brokerage through institutional journalism and consultancy. Together, these shifts illustrate how fiduciary openness was displaced by reputational economies, inaugurating what Kahl (2025l) identifies as the *epistemic market state*—a constitutional order in which truth itself becomes a tradable asset.

5.3.1 The Peer-Review Empire

The academic peer-review system emerged in the seventeenth and eighteenth centuries as an extension of scholarly correspondence—a trust-based method of mutual verification grounded in collegial candour rather than bureaucracy (Kahl, 2025q, §§ 1.2–1.4). Its early authority rested on relational virtue: scholars exercised scrutiny as a fiduciary responsibility to the epistemic commons. By the late twentieth century, however, that ethos had hardened into a highly formalised apparatus of gatekeeping structured by anonymity, opacity, and network dependence.

This transformation reflects broader sociological patterns. Bourdieu's *Homo Academicus* (1988) demonstrates that academic fields function as competitive markets for symbolic capital—prestige, credibility, and networked influence—which in turn determine whose work is recognised and whose is excluded. Peer review, once a mechanism of trust, became an instrument for reproducing status hierarchies: epistemic worth became indexed to institutional affiliation, citation lineage, and social proximity. The fiduciary duty of scrutiny—testing ideas for the public good—was gradually supplanted by the logic of reputational currency.

In fiduciary terms, this marked the first major epistemic enclosure: the privatisation of truth validation. A commons of deliberation became a cartel of accreditation, in which trust was rationed through credentials rather than exercised through candour. Barnett's account of the "supercomplex university" (1997) captures this shift: as complexity and risk intensified, universities increasingly relied on bureaucratic procedures to stabilise meaning, reinforcing risk-averse judgement and choking the open-ended dialogue that once animated inquiry.

Kahl (2025q, § 2.3) interprets this enclosure as an early instance of fiduciary breach within academia: candour was displaced by procedural opacity; collegiality, once grounded in virtue ethics, deteriorated into a rule-bound verification industry. The fiduciary loop of candour–care–loyalty–accessibility fractured:

- candour weakened through anonymity,

- care was reduced to perfunctory gatekeeping,

- loyalty was redirected towards networked interests, and

- accessibility contracted as epistemic capital concentrated in elite institutions.

Further, Chomsky and Herman's (1988, pp. 1–3) propaganda-model analysis illuminates the structural mechanism by which this consolidation occurred. Their argument—that communicative institutions internalise systemic filters (ownership, funding, flak, ideology)—applies with unsettling precision to peer review: journals, editorial boards, and professional societies regulate epistemic content through incentive structures that privilege stability over dissent, orthodoxy over innovation. Fuller (2001) similarly emphasises how modern

knowledge economies transform information into a managed strategic asset, making control mechanisms—such as editorial gatekeeping—central to organisational survival.

These dynamics also created a global hierarchy of epistemic authority, even without invoking the specific Marginson–Ordorika source. Western journals and editorial networks became de facto arbiters of legitimacy, while scholars outside these networks were positioned structurally as epistemic petitioners. This centre–periphery stratification is well documented across sociology of knowledge: the interests of dominant institutions set the standards of rigour, relevance, and publishability. In Kahl's terms, this constitutes epistemic coloniality: the monopolisation of epistemic validation by a small set of global institutions whose normative frameworks become universalised by default (Kahl, 2025v, §§ 2.1–2.3).

In this configuration, even transparency becomes a tool of control. Kahl (2025v, § 3.1) terms this colonial candour: selective openness that legitimises exclusion while preserving the appearance of fairness. Anonymity conceals accountability; prestige legitimises gatekeeping; proceduralism replaces dialogue.

From a fiduciary perspective, the peer-review empire thus exemplifies a comprehensive breach. Entrusted epistemic power is exercised in ways that displace candour, compromise care, redirect loyalty toward institutional self-preservation, and restrict accessibility. Re-founding peer review requires re-establishing its fiduciary identity: a process grounded in transparency, reciprocity, and moral accountability rather than secrecy, hierarchy, and the reproduction of epistemic privilege.

5.3.2 Institutional Journalism and Knowledge Brokerage

The second wave of epistemic capture, analysed in *How Institutional Corruption Captured UK Higher Education Journalism* (Kahl 2025p, §§ 2.1–2.4), arose when universities and media organisations fused their communicative and commercial functions. Consultancy-driven journalism, rankings markets, and advertorial partnerships transformed communication into an informational asset class governed by sponsorship rather than scrutiny. What had been fiduciary mediation of truth—an epistemic service owed to the public—became a form of informational brokerage conditioned by market dependency.

This transition mirrors what Fuller (2001) identifies as the managerialisation of knowledge: information becomes a strategic resource whose value lies not in truth but in its utility for institutional positioning. In this environment, universities' public communications cease to perform epistemic candour; they begin to function like corporate public-relations systems whose primary aim is reputational maintenance. Barnett's depiction of the "supercomplex university" (1997) illuminates the underlying rationale: as universities confront intensifying uncertainty and competition, they increasingly rely on symbolic control—public narratives, branding, performance indicators—to stabilise their institutional identity. The result is a communications ecosystem where the appearance of virtue replaces the practice of candour.

Kahl (2025p) conceptualises this condition as fiduciary opacity: the simulation of transparency while concealing conflicts of interest. Under fiduciary opacity, the fiduciary duties of candour and loyalty are displaced by managerial rhetoric—"impact", "visibility", "engagement". These performative substitutes allow institutional self-interest to masquerade as public service. The transformation marks a constitutional breach within the epistemic order: the Fourth Estate shifts from watchdog to intermediary, mediating not truth but prestige.

The mechanism of this shift is well explained by Chomsky and Herman's propaganda model (1988, pp. 1–3). Their analysis shows how marketised media internalise structural filters—ownership incentives, advertising revenue, political flak—that restrict permissible discourse long before explicit censorship is required. These

filters now operate with similar force in the university–media nexus. Rankings agencies and consultancy-journalism firms function as epistemic brokers: they determine which narratives circulate, which institutions are amplified, and which truths are framed as legitimate. In fiduciary terms, the boundary between truth and publicity collapses; the duty of candour is replaced by the logic of compatibility.

This hybrid gatekeeping regime produces informational patronage. Universities purchase visibility through advertising disguised as reportage; media organisations monetise prestige through consultancy and metrics; think-tanks and policy bodies perform neutrality while embedded in conflicts of interest. What appears as epistemic independence is in fact market-mediated loyalty. Institutional communications thus create what Kahl (2025z) terms optocratic legitimacy: the aesthetic performance of openness that conceals the reality of control.

The pathologies of this system are now empirically traceable.
Report on Times Higher Education (Kahl 2025r, §§ 2.2–2.4) documents how a single organisation operates simultaneously as journalist, consultant, and ranker—three roles that fiduciary law would require to be strictly separated in any domain involving delegated trust. Similarly, *Reporting HEPI to the Charity Commission* (Kahl 2025ac; 2025ad) exposes governance failures and trustee-duty breaches within a charitable think-tank whose public authority derives from an image of neutrality it does not structurally sustain. These examples illustrate what this study identifies as the epistemic economy of managed trust: institutions curate reputational legitimacy through self-regulation and sympathetic media, rather than through fiduciary candour and accountability.

From a sociological standpoint, these dynamics reflect Bourdieu's analysis of symbolic capital: credibility becomes a commodity traded through networks of institutional prominence and media alignment. Prestige, rather than candour, mediates epistemic authority. Biesta's critique of performativity (2013) further illuminates the educational implications: communication becomes oriented toward display rather than truth, and institutions shift from cultivating understanding to producing reassuring images of competence.

In fiduciary jurisprudence, this configuration would constitute a textbook conflict of interest: discretionary epistemic authority exercised for private gain rather than for the public beneficiary. Truth, no longer validated but sponsored, acquires value indexed to brand compatibility rather than veracity. Market incentives override fiduciary loyalty; publicity displaces candour; epistemic independence dissolves into institutional theatre.

What emerges is not merely a corrupt media environment but a constitutional breach: a Fourth Estate that has abdicated its epistemic trusteeship and become a commercial steward of legitimacy. Reversing this requires re-founding communicative institutions on fiduciary openness rather than market alignment—restoring truth as the standard of epistemic governance rather than the commodity of informational exchange.

5.3.3 From Collegial Trust to Market Capture

The peer-review cartel and the media-consultancy complex together chart the historical displacement of fiduciary epistemic trust by market logic. Each marks a stage in what Kahl (2025l, §§ 3.1–3.3) identifies as the corruption of gatekeeping from constitutional office to commercial service. In the fiduciary-epistemic constitution, gatekeepers acted as custodians of the epistemic commons—exercising entrusted judgment for the public good through candour, reciprocity, and impartial scrutiny. In the market-epistemic order, they have become brokers of epistemic capital—arbitrating credibility through financial, reputational, and geopolitical exchange.

This transformation aligns with deeper concerns raised in the philosophical tradition. Arendt's account of the public realm (1958) emphasises that political freedom depends upon a shared world in which facts are

stabilised and publicly accessible. When gatekeeping shifts from truth-affirming candour to prestige-driven brokerage, the shared world fractures: institutions no longer illuminate the space of appearance but curate it. Epistemic capture in this sense is a political injury: it erodes the conditions under which collective judgment becomes possible.

Similarly, Habermas's theory of the public sphere (1984) illuminates the constitutional stakes of this shift. Communicative rationality—the collective pursuit of truth through reason-giving—depends on institutional structures oriented toward dialogue rather than strategic manipulation. The marketisation of gatekeeping represents what Habermas elsewhere calls a 'colonisation of the lifeworld': communicative reason displaced by strategic branding, consultancy incentives, and instrumental publicity. The fiduciary duty to mediate truth is thus supplanted by the economic logic of system imperatives.

Barnett (1997) and Biesta (2013) situate these developments within higher education's internal transformation. Barnett describes the modern university as entering a condition of 'supercomplexity' that pushes institutions toward managerial survival strategies; Biesta critiques the ascendancy of performativity—output-driven evaluation that privileges visibility over educational purpose. Bourdieu's analysis of symbolic capital (1988) clarifies how academic fields redistribute credibility under market conditions, while Fuller (2001) frames the epistemological consequence: knowledge stewardship is displaced by knowledge management.

From a fiduciary perspective, these dynamics constitute not institutional evolution but constitutional decay. The fiduciary compact that bound scholars and publics in mutual trust dissolves into contractualism—truth as transaction. Candour becomes brand transparency; care becomes quality assurance; loyalty becomes institutional allegiance. The moral content of fiduciary virtues is hollowed out into managerial keywords. What survives is a procedural facsimile of epistemic integrity: rituals of review and consultation that simulate accountability while obscuring dependence.

Chomsky and Herman's (1988, pp. 17–19) propaganda model clarifies this displacement. When communicative institutions internalise sponsorship logic, they no longer mediate truth but manufacture legitimacy. Universities replicate these structural filters—funding incentives, reputational flak, institutional ideology—within their own internal publicity regimes. Under such pressures, epistemic candour becomes subordinate to managerial survival.

Kahl (2025v, §§ 3.2–3.4) extends this analysis into the geopolitical domain, identifying a regime of epistemic coloniality in which Western institutions act as validators of truth while non-Western institutions supply data and labour without epistemic reciprocity. Citation economies and accreditation systems thereby reproduce asymmetrical structures of epistemic dependence analogous to earlier colonial trade networks. In fiduciary terms, trusteeship becomes extractive governance; candour becomes colonial candour—performative openness that legitimises hierarchy while concealing it.

The result is an epistemic constitution hollowed from within. Its procedural forms remain intact—peer review, journalism, consultation—but their fiduciary substance has been eroded. As Kahl (2025l, § 4.1) argues, this hollowing constitutes the structural precondition for the modern university's constitutional crisis: the collapse of fiduciary candour into managed visibility, and of epistemic care into market capture.

Restoring the university's legitimacy as a fiduciary organ of the Fourth Estate therefore requires confronting both the commercial and the colonial dimensions of epistemic breach. Re-founding gatekeeping on fiduciary openness—truthful disclosure, reciprocal accountability, and plural epistemic agency—is not merely institutional reform but a constitutional necessity. Only through such restoration can the university again

function as the guardian of the public realm and the facilitator of communicative freedom that Arendt and Habermas regard as the basis of democratic life.

5.4 Universities as Constitutional Epistemic Actors

The university's epistemic authority is neither accidental nor merely professional; it is constitutional. Its jurisdiction derives from a public delegation of epistemic sovereignty—the trust that society places in higher education to determine, verify, and communicate truth. Like the judiciary or legislature, the university is bound by fiduciary obligation: to exercise discretion with candour, impartiality, and care, and to uphold the epistemic rule of law upon which the polity's legitimacy depends.

5.4.1 Epistemic Trusteeship

Universities exercise delegated epistemic sovereignty on behalf of the public. They do not own the knowledge they produce but hold it in trust as part of the *epistemic commons*. Their legitimacy therefore rests on fiduciary accountability: the faithful exercise of epistemic discretion for collective welfare. As judges interpret law and legislators enact it, universities interpret the conditions of truth. Each must deliberate openly, reason impartially, and resist conflicts of interest that would compromise their jurisdiction.

In *The Epistemic Architecture of Power*, Kahl (2025j, §§ 2.1–2.3) describes credibility as a constitutional resource—the currency through which authority circulates in any society. Institutions that control credibility thus hold a form of sovereign power. Within the fiduciary-epistemic constitution, universities operate as the judiciary of knowledge: they adjudicate evidence, confer legitimacy, and determine who may be recognised as a credible speaker. Such discretion entails fiduciary duties identical in moral structure to those of public officers in law—candour in reasoning, care in procedure, loyalty to the epistemic public, and accessibility of findings.

When these duties fail, constitutional harm ensues. Just as judicial bias erodes confidence in law, academic partiality or concealment corrodes trust in truth. The autonomy of the university must therefore be conceived not as independence from accountability but as independence for fiduciary duty: freedom that enables candour rather than impunity. In this sense, the university is a constitutional trustee of public reason—a custodian of society's epistemic welfare whose legitimacy depends on the integrity of its deliberative processes.

5.4.2 Public Reason and Institutional Candour

The moral foundation of epistemic trusteeship lies in communicative rationality. Habermas (1984, pp. 27–28) conceives public reason as discourse governed by inclusivity, transparency, and mutual justification. Universities, as the procedural infrastructure of that discourse, embody what Fricker (2007, pp. 1–2) calls testimonial justice—the equitable distribution of credibility that allows voices to be heard on epistemically fair terms. Their institutional candour—open research, accessible data, and transparent evaluation—constitutes the procedural fairness of knowledge.

The analogy with constitutional law is exact:

Legal Order	Epistemic Order
Due process ensures fairness of adjudication	Peer deliberation ensures fairness of truth validation
Judicial transparency prevents corruption	Institutional candour prevents epistemic capture

| Procedural bias undermines justice | Methodological opacity undermines knowledge |

Table 5.2 — The Analogy with Constitutional Law.

Through this parallel, the university appears as the epistemic judiciary of the public sphere. Its due process is open review; its constitutional oath is fidelity to candour. When universities suppress data, manipulate metrics, or substitute brand identity for intellectual integrity, they act ultra vires—beyond the authority delegated by society's trust. Such conduct constitutes epistemic breach: a failure of fiduciary candour equivalent in constitutional gravity to a court's denial of fair hearing.

To preserve democratic legitimacy, universities must therefore reaffirm candour as their supreme institutional virtue. Transparency of inquiry, accountability of reasoning, and accessibility of knowledge are not managerial options but constitutional imperatives. The epistemic rule of law demands no less: truth must be governed, like justice, through procedures that render it answerable to those in whose name it is declared.

5.5 Comparative Analysis: Media and AI as Para-Epistemic Branches

The epistemic constitution extends beyond universities. The fiduciary-epistemic compact that sustains democracy depends equally upon the integrity of the media and, increasingly, upon the transparency of algorithmic systems that mediate information. These institutions form what Kahl (2025l, § 3.2) terms *para-epistemic branches*—non-state entities that exercise delegated authority over credibility and communication. Like universities, they are fiduciary actors within the *Fourth Estate*, charged with maintaining the moral architecture of truth. When their duties of candour, care, loyalty, and accessibility collapse, the constitutional order of knowledge disintegrates across sectors simultaneously.

5.5.1 Media Institutions

In *Epistemic Gatekeepers as the Fourth Estate*, Kahl (2025l, §§ 2.1–2.4) argues that the press performs an epistemic role structurally analogous to the university: both act as fiduciary mediators of truth, translating complex knowledge into public understanding. Their authority rests upon the same principles—credibility, impartiality, and candour—each derived from public trust rather than coercive power.

Yet both have succumbed to comparable breaches of fiduciary duty. Journalism's independence has been compromised by advertorial influence, ownership concentration, and ideological capture. Commercial imperatives subordinate candour to visibility, replacing investigative diligence with attention-optimising spectacle. Universities, likewise, increasingly tailor research communication to branding priorities and managerial optics. In each domain, fiduciary candour gives way to performative transparency, and loyalty to the epistemic public is displaced by loyalty to sponsors, shareholders, or reputational metrics.

Kahl (2025p, § 3.1) characterises this condition as informational patronage—a fiduciary pathology in which the gatekeeper trades truth for capital while maintaining the appearance of neutrality, thereby exemplifying the structural conflict Frankel (1983) identified between delegated power and private gain. Whether the currency is advertising revenue or citation prestige, the moral economy of knowledge becomes transactional. The press and the university, once co-founders of public reason, now mirror one another as parallel fiduciary breaches within the epistemic constitution: both privatise trust while continuing to invoke its rhetoric.

5.5.2 AI Firms and Algorithmic Governance

In *Redefining Democracy for the Age of AI* (Kahl 2025k, §§ 3.1–3.3) and *The Third Enclosure Movement* (Kahl 2025m, § 2.2), Kahl extends the fiduciary framework to technology companies, identifying them as **algorithmic epistemic gatekeepers**. Through data curation and content ranking, AI platforms now determine the visibility and credibility of information for billions of users. Their governance model—nominally neutral but economically incentivised—constitutes a new form of epistemic sovereignty exercised through code rather than deliberation.

These systems automate what universities and media once did manually: the selection and validation of knowledge. Yet their criteria are driven not by epistemic reason but by engagement metrics. In fiduciary terms, this is discretion without candour and authority without accountability. Algorithmic governance reproduces the same hybrid pathology identified in the modern university—fiduciary power captured by market logic.

Kahl (2025m, § 4.3) describes this phenomenon as the *third enclosure*: the privatisation of epistemic access through digital infrastructure. AI firms thus function as *para-epistemic branches*—entities performing quasi-constitutional functions without corresponding fiduciary obligations. Their algorithms adjudicate what appears credible, shaping the conditions of public reason while remaining opaque to public scrutiny. The moral question is therefore constitutional: who governs the governors of truth when authority is computationally dispersed?

5.5.3 Convergent Risks and Shared Duties

Across universities, media, and AI systems, the same fiduciary pathologies recur: **opacity, clientelism, and captured candour**. Each institution exercises discretionary power over the circulation of truth yet evades proportional accountability. Their combined effect is an ecosystem of epistemic dependency in which information flows are structured by commercial or political allegiance rather than by epistemic care. The constitutional consequence is a loss of epistemic pluralism—the slow attrition of the deliberative commons upon which democratic legitimacy depends.

To arrest this convergence, fiduciary law must evolve into a cross-sectoral epistemic charter. A unified duty of epistemic candour and care—binding universities, media, and AI firms alike—would reassert the moral symmetry of the constitutional order. Such legislation would treat knowledge governance as a public-trust function rather than a proprietary service, codifying fiduciary openness as the procedural justice of truth. Only through such an integrated fiduciary framework can the epistemic constitution of democracy be restored.

5.6 Epistemic Capture as Constitutional Breach

Epistemic corruption is not an ethical lapse but a *constitutional failure*. When institutions entrusted with the governance of knowledge subordinate candour to interest, they violate the fiduciary compact upon which all other forms of legitimacy depend. The breach is systemic rather than incidental: it undermines the epistemic rule of law—the principle that truth, like justice, must be produced through accountable procedure.

5.6.1 Constitutional Equivalence of Breach

Within fiduciary jurisprudence, breach occurs when a trustee misuses discretionary power for self-benefit at the beneficiary's expense. As Frankel (1983, pp. 795–796) explains, fiduciary law emerged precisely to prevent such

misuse—*to domesticate power through moral restraint and accountability*. Miller and Gold (2015) extend this logic to institutional design, framing fiduciary governance as the architecture through which trust is preserved under complexity. Together, these accounts establish that fiduciary principles are not confined to private law but articulate a universal grammar of entrusted responsibility.

Transposed to the epistemic constitution, the same reasoning applies: a university, media body, or AI firm commits *constitutional breach* when it privileges institutional, ideological, or financial self-interest over the public's epistemic welfare. The wrong lies not in individual misconduct but in the *structural betrayal of entrusted purpose*. Fiduciary breach in knowledge institutions thus parallels public-law corruption: discretion converted into domination.

Lessig's conception of institutional corruption sharpens this point: corruption arises not from discrete illegalities but from systemic dependencies that cause an institution to betray its constitutive end (Lessig 2013, p. 553; 2014, pp. 7–9). Epistemic capture exemplifies precisely this dependency. When universities become financially reliant on corporate sponsorship or politically contingent upon reputational management, their fiduciary norms of candour and impartiality are displaced by incentives that erode public trust. The institution remains procedurally intact yet substantively hollowed—its duties nominally affirmed but operationally inverted. As *Report on Times Higher Education* (Kahl 2025r, §§ 2.2–2.4) demonstrates, this pattern extends beyond theory: a single organisation functioning simultaneously as journalist, ranker, and consultant performs the fiduciary equivalent of divided loyalty, eroding confidence in both journalism and academia.

Bray and Miller (2020, p. 1483) warn that "fiduciary constitutionalism" risks conflating the private logic of trust with the public logic of law. This paper consciously departs from that critique. It does not claim that constitutions are fiduciary instruments, but that fiduciary law supplies the moral grammar through which constitutional legitimacy can be interpreted and reconstructed. In the epistemic domain, fiduciary candour thus functions as the analogue of constitutional integrity: the discipline that binds discretionary knowledge to public reason.

In this sense, epistemic corruption is constitutionally equivalent to legislative bribery or judicial bias. Each subverts the moral architecture of democracy by converting delegated trust into private advantage. Where lawmakers sell influence or judges conceal conflicts, the procedural legitimacy of law collapses; where universities obscure truth or media distort evidence, the procedural legitimacy of knowledge collapses. The harm is identical in structure: fiduciary discretion weaponised against the very public whose confidence authorises it.

5.6.2 Democratic Consequences

The disintegration of the *Fourth Estate* precipitates the erosion of the epistemic rule of law. Without credible knowledge, legislation becomes speculative, policy improvisational, and justice performative. The loss is cumulative:

Democratic Function	Epistemic Consequence of Breach
Legislative deliberation	Enacts norms without factual foundation
Executive decision-making	Implements policy through misinformation
Judicial reasoning	Adjudicates without evidential integrity
Public discourse	Regresses into spectacle and suspicion

Table 5.3 — Epistemic Consequence of Breach.

As Kahl (2025s, §§ 3.1–3.3) demonstrates in *Epistemic Justice and Institutional Responsibility in Academia*, institutional negligence in maintaining epistemic integrity produces structural injustice: voices lose credibility not through error but through systemic distortion. The same dynamic operates at the level of national governance. Once the epistemic infrastructure collapses, democracy forfeits its cognitive coherence; persuasion replaces reason as the currency of politics.

Higher Education as Critical Infrastructure (Kahl 2025o, § 2.4) extends this analysis, arguing that the reliability of knowledge functions as a form of national resilience. A society that cannot trust its universities to tell the truth is as vulnerable as one that cannot trust its courts to administer justice. Epistemic failure is thus a form of constitutional insolvency—an erosion of the very knowledge capital that sustains governance, commerce, and civic trust.

5.6.3 Restoring Fiduciary Constitutionalism

The restoration of democratic integrity therefore requires the constitutionalisation of fiduciary openness. Just as the legal rule of law mandates transparency of procedure and reasons for judgment, the epistemic rule of law mandates transparency of inquiry and reasons for belief. Fiduciary openness is its constitutional analogue: the principle that truth must be governed through accountable candour rather than managerial discretion.

Re-founding universities, media, and AI firms as fiduciary organs of the epistemic constitution would re-align moral duty with institutional power. Codified obligations of candour, care, loyalty, and accessibility would transform the rhetoric of accountability into enforceable duty. The constitutional breach identified in this chapter thus points directly to the reform agenda of the next: *Reimagining the University as Epistemic Fiduciary*, where fiduciary constitutionalism will be operationalised through legislative design, statutory codification, and institutional audit mechanisms.

5.7 Chapter Summary and Transition

This chapter has redefined the university's constitutional position within the democratic order. It has argued that universities, together with the media and emerging AI platforms, constitute the *Fourth Estate*—the epistemic branch of governance entrusted with sustaining the credibility of public reason. Their function is not merely pedagogical or communicative but fiduciary: they hold delegated epistemic sovereignty on behalf of the public and are therefore bound by duties of candour, care, loyalty, and accessibility.

Three central conclusions emerge.

1. **The university as fiduciary organ of the Fourth Estate**. The chapter demonstrated that higher-education institutions exercise constitutional responsibilities analogous to those of the legislature, judiciary, and executive. Through peer review, open deliberation, and knowledge dissemination, they safeguard the *epistemic rule of law*—the procedural fairness of truth itself.

2. **Gatekeeping as constitutional, not commercial, function**. Tracing the genealogy from collegial review to marketised journalism revealed how fiduciary gatekeeping was corrupted by transactional logic. The privatisation of truth validation and the monetisation of visibility displaced fiduciary candour with procedural spectacle. Restoring epistemic legitimacy therefore requires re-anchoring gatekeeping in fiduciary duty rather than market service.

3. **Epistemic capture as constitutional breach**. When universities or other gatekeepers privilege institutional or financial interests over epistemic welfare, they commit a constitutional offence equivalent in gravity to legislative bribery or judicial bias. Such breaches dissolve the fiduciary compact that underwrites democracy's cognitive integrity.

The argument thus establishes the normative foundation for reform. If fiduciary openness is the constitutional analogue of transparency under the rule of law, it must be given statutory force within the governance of knowledge institutions. Chapter 6, *Reimagining the University as Epistemic Fiduciary*, therefore turns from theory to design. It will propose the **Epistemic Fiduciary University (EFU)** model—an institutional framework that codifies fiduciary duties within higher-education statutes, introduces epistemic auditing mechanisms, and grants public beneficiary standing to enforce accountability. Through these measures, fiduciary constitutionalism moves from principle to practice: the re-founding of the university as guardian of the epistemic commons.

6. Reimagining the University as Epistemic Fiduciary

6.1 Chapter Overview and Aims

The preceding chapters have traced a cumulative argument: from the moral foundations of fiduciary trust (Chapter 1) to the constitutional architecture of knowledge (Chapter 2), the diagnosis of institutional breach (Chapter 3), the mechanisms of psychological and pedagogical capture (Chapter 4), and the constitutional consequences of epistemic corruption (Chapter 5). This trajectory now culminates in normative reconstruction. The present chapter advances a positive framework for reform—translating fiduciary-epistemic theory into legal and institutional design through the concept of the **Epistemic Fiduciary University (EFU)**.

The chapter's purpose is thus to demonstrate how fiduciary constitutionalism—previously articulated as a moral and analytical principle—can be operationalised within higher-education law and governance. It proposes the legal codification of epistemic duties, the establishment of fiduciary oversight mechanisms, and the alignment of domestic legislation with international standards of research integrity. In doing so, it responds to the constitutional crisis diagnosed in earlier chapters: the erosion of epistemic trust through managerial capture and market dependency.

Three framing questions guide the inquiry:

1. **Institutional embedding**. What mechanisms can translate the fiduciary duties of candour, care, loyalty, and accessibility into enforceable governance norms within universities?

2. **Oversight and freedom**. How can fiduciary accountability be secured without undermining academic autonomy or the diversity of inquiry essential to epistemic plurality?

3. **Global coherence**. How may national reforms harmonise with international instruments such as the UNESCO Recommendation on Science and Scientific Researchers and OECD integrity frameworks, ensuring that fiduciary openness becomes a transnational standard of epistemic governance?

By addressing these questions, the chapter moves the argument from critique to construction—from diagnosing epistemic breach to building the legal and moral architecture capable of restoring the university's fiduciary legitimacy.

6.2 The Epistemic Fiduciary University (EFU): Concept and Principles

6.2.1 Conceptual Definition

The *Epistemic Fiduciary University* (EFU) designates a new constitutional model of higher-education governance that redefines universities as fiduciary trustees of the epistemic commons. Unlike the prevailing corporate-managerial paradigm, which treats knowledge as a tradable asset, the EFU situates the university within a framework of entrusted power: a legal and moral relationship in which discretion over knowledge carries duties of candour, care, loyalty, and accessibility.

Drawing upon *Directors' Epistemic Duties and Fiduciary Openness* (Kahl 2025i) and the comparative precedents of fiduciary frameworks in public-law administration (Criddle et al., 2019, chs 1–3), the EFU parallels the obligations of corporate directors under fiduciary law with the epistemic obligations of universities. Just as directors must exercise discretion in good faith and for the benefit of shareholders, universities must act with epistemic loyalty toward the public—the ultimate beneficiary of knowledge.

Fiduciary theory provides the structural grammar for institutional ethics: candour replaces managerial opacity; care substitutes for bureaucratic compliance; loyalty counteracts capture by sponsors or political patrons; and accessibility negates the enclosure of knowledge behind paywalls or status hierarchies. In this sense, the EFU formalises what earlier chapters argued implicitly: that the university's legitimacy derives not from performance indicators but from the moral and legal discipline of fiduciary openness. It transforms an aspirational ethos into a constitutional function.

6.2.2 Normative Foundations

The EFU rests upon four interdependent fiduciary duties—**candour, care, loyalty**, and **accessibility**—transposed from private-law doctrine into the public-epistemic sphere. These constitute the constitutional principles of epistemic governance:

- **Candour** obliges universities to disclose truthfully, resist rhetorical manipulation, and maintain transparency in research and administration.

- **Care** demands due diligence in scholarship, teaching, and supervision, ensuring that intellectual rigour and ethical responsibility coincide.

- **Loyalty** prohibits conflicts of interest, requiring universities to prioritise epistemic welfare over institutional or financial self-interest.

- **Accessibility** enshrines the duty to disseminate knowledge equitably and to sustain open participation in the epistemic commons.

As *Higher Education as Critical Infrastructure* (Kahl 2025o) demonstrates, these duties are not merely ethical ideals but conditions of systemic resilience. Fiduciary openness underwrites the stability of the entire knowledge ecosystem, much as transparency underwrites the rule of law. When universities fulfil these duties,

they reinforce public trust in the epistemic order; when they breach them, the democratic infrastructure of reason itself begins to fail.

Criddle et al. (2019) underscore that fiduciary frameworks, even in state institutions, serve to reconcile autonomy with accountability—ensuring that discretion exercised in the public interest remains answerable to higher normative standards. Similarly, Frankel (1983; 2011) and Miller & Gold (2015) confirm that fiduciary structures convert moral aspiration into enforceable discipline. The EFU therefore provides a normative anchor linking fiduciary theory with epistemic constitutionalism: it translates the virtues traditionally governing property and corporate power into the domain of knowledge, ensuring that the authority to define truth remains accountable to the public from which it originates.

6.2.3 Organisational Implications

The institutional embodiment of the EFU requires structural reform at the level of governance and regulation. Four design components are central:

1. **Fiduciary Charters for Governing Bodies** — University councils and senates must adopt fiduciary charters codifying duties of candour, care, loyalty, and accessibility as binding principles of conduct.

2. **Mandatory Epistemic Audits** — Independent epistemic audits, modelled on financial auditing, should evaluate transparency in research, peer-review integrity, and disclosure practices.

3. **Ethical Disclosure Regimes** — Comprehensive conflict-of-interest registers must document financial, political, and personal entanglements that may distort epistemic judgment.

4. **Public Access Mechanisms** — All governance and research outputs—minutes, funding sources, methodologies, and findings—should be made publicly accessible through open-data portals and archival repositories.

These provisions transform fiduciary ethics into operational governance. By institutionalising fiduciary charters, audits, and disclosure systems, the EFU realises what Kahl (2025i, § 2.4) termed the *fiduciary-epistemic loop*: a recursive process of transparency, accountability, and renewal that sustains both moral legitimacy and epistemic vitality. The EFU thereby moves beyond critique to design—an architecture of openness capable of restoring the university's constitutional role as custodian of the public's right to know.

6.3 Legal Codification of Fiduciary Duties

6.3.1 Statutory Duties

The moral and constitutional principles elaborated in earlier chapters require juridical articulation if they are to acquire institutional force. The Higher Education and Research Act 2017 (HERA 2017) already establishes a regulatory framework for transparency and accountability, yet it does so in managerial rather than fiduciary terms. The Act's provisions on quality, governance, and financial sustainability (ss 2–5) can therefore be extended to codify explicit epistemic fiduciary duties. These duties would define the legal conditions under which universities exercise delegated epistemic sovereignty.

As Frankel (2011, pp. 62–64) argues, fiduciary standards possess moral force precisely because they bind conscience through law—transforming ethical expectation into enforceable duty. Translating this insight into

higher-education governance grounds fiduciary candour, care, loyalty, and accessibility not as professional ideals but as legal conditions of legitimacy.

Four statutory duties are proposed:

1. **Duty of Epistemic Candour** — Universities must provide full, truthful, and comprehensible disclosure of research outcomes, funding sources, and governance information. Selective communication or reputational filtering would constitute breach.

2. **Duty of Epistemic Care** — Institutions must demonstrate due diligence in teaching, supervision, and knowledge stewardship, ensuring that epistemic environments promote intellectual safety and rigour rather than bureaucratic conformity.

3. **Duty of Epistemic Loyalty** — Universities must act in the public's epistemic interest, avoiding conflicts between knowledge integrity and institutional or sponsor advantage. Loyalty, in this sense, extends the corporate principle of acting "for the company's benefit" to acting for society's epistemic welfare.

4. **Duty of Epistemic Accessibility** — All publicly funded or publicly consequential knowledge must remain accessible. Universities must commit to open-access publication, transparent methodologies, and equitable participation in learning.

Together, these provisions would re-anchor higher-education law in fiduciary rather than contractual logic— restoring candour, care, loyalty, and accessibility as enforceable duties, not aspirational values.

6.3.2 Enforcement Mechanisms

Legal codification without enforcement risks performativity. The EFU framework therefore requires both procedural and substantive mechanisms of accountability.

1. **Public Standing**. Statutory standing should be granted to public beneficiaries—students, scholars, and citizens—to challenge fiduciary breach before the *Office for Students* (OfS) or judicial review. Breach of fiduciary duty would thus become a matter of public, not merely internal, concern.

2. **Epistemic Fiduciary Statements**. Universities should be required to issue annual *Epistemic Fiduciary Statements* analogous to corporate directors' reports under the Companies Act 2006, detailing how fiduciary duties have been fulfilled and audited. These statements would include disclosures on funding dependencies, research suppression risks, and measures ensuring openness.

3. **Regulatory Sanctions**. Fiduciary breach should be defined as a regulatory offence, with sanctions including public censure, mandatory remediation plans, or, in grave cases, suspension of registration. Oversight may initially rest with the OfS, but Chapter 6.4 will propose establishing a dedicated Fiduciary Commission for Knowledge Integrity (FCKI) to ensure independence.

4. **Internal Whistle-blower Protection**. Staff and students exposing fiduciary misconduct should enjoy statutory protections equivalent to those under the Public Interest Disclosure Act 1998, recognising epistemic disclosure as a public-interest act.

By embedding fiduciary accountability in law, universities would be compelled to treat epistemic integrity as a matter of compliance on par with financial probity and equality legislation. As Miller and Gold (2015) note,

institutional trust endures only when discretion is constrained by enforceable standards of candour and loyalty; legal codification gives those standards operational meaning.

6.3.3 Comparative Precedents

The feasibility of fiduciary codification is supported by established analogues across UK law.

- **Company Law**: The Companies Act 2006, ss 171–177, enumerates directors' duties of loyalty, care, and avoidance of conflicts. These have been judicially interpreted as codifying equitable principles of trust and accountability (see *Bristol and West Building Society v Mothew* [1998] Ch 1).

- **Charity Law**: Trustees' fiduciary obligations under the Charities Act 2011 ensure that resources are used exclusively for public benefit—an apt precedent for the stewardship of epistemic capital.

- **Pension Trust Law**: The Pensions Act 1995 similarly imposes duties of prudence and loyalty upon trustees managing collective welfare assets.

These frameworks confirm that fiduciary law has repeatedly been adapted to contexts of delegated discretion and public trust. Extending it to knowledge institutions therefore represents *doctrinal evolution, not legal rupture*. The EFU model merely transposes a familiar fiduciary grammar from material to epistemic domains— treating knowledge as a form of public property whose mismanagement demands both moral and legal remedy.

6.4 Institutional Oversight: The Fiduciary Commission for Knowledge Integrity (FCKI)

6.4.1 Mandate and Structure

To transform fiduciary principles into enforceable governance, an independent statutory body—the *Fiduciary Commission for Knowledge Integrity* (FCKI)—is proposed. Positioned either under the Department for Education or as an autonomous commission accountable directly to Parliament, the FCKI would serve as the central guarantor of fiduciary openness across the higher-education sector. Its authority would be defined not by financial performance metrics but by the moral architecture of trust that sustains epistemic legitimacy.

The FCKI's core functions would include:

1. **Auditing fiduciary compliance**. Conducting periodic *Epistemic Integrity Audits* to verify adherence to the statutory duties of candour, care, loyalty, and accessibility codified under the Higher Education and Research Act 2017 (as amended).

2. **Investigating systemic breaches**. Exercising investigatory powers analogous to those of the *Charity Commission*, enabling it to inquire into patterns of epistemic misconduct, capture, or opacity that undermine public trust.

3. **Issuing Integrity Directives**. Publishing binding or advisory directives requiring corrective action when fiduciary duties are found to be breached.

4. **Reporting to Parliament**. Preparing an annual *State of Knowledge Integrity Report*, detailing sector-wide trends, emerging risks, and recommendations for legislative or regulatory reform.

Through these functions, the FCKI would institutionalise fiduciary constitutionalism—making epistemic trust a matter of continuous public accountability rather than discretionary virtue.

6.4.2 Relationship to Existing Regulators

The FCKI's remit must be clearly distinguished from that of existing oversight bodies. The *Office for Students* (OfS) primarily regulates financial sustainability, student outcomes, and institutional governance efficiency. The FCKI, by contrast, would focus on fiduciary-ethical integrity: the conditions under which knowledge is produced, validated, and disseminated in the public interest.

To avoid duplication, the FCKI would operate through structured collaboration:

- **Data-sharing protocols** with the *UK Research Integrity Office* to integrate research-misconduct findings into broader fiduciary assessments.

- **Memoranda of understanding** with the *Charity Commission* to ensure coherence where universities are registered charities, aligning fiduciary duties of financial trusteeship with those of epistemic stewardship.

- **Joint working groups** with OfS and the *Parliamentary Office of Science and Technology* to harmonise reporting standards and promote transparency across education, science, and governance.

In this configuration, the FCKI becomes a normative complement rather than a bureaucratic duplicate—embedding fiduciary oversight within the constitutional ecosystem of knowledge governance.

6.4.3 Accountability and Transparency

For the FCKI to embody fiduciary openness, its own procedures must exemplify the virtues it enforces.

1. **Public reporting**. All audit findings, directives, and institutional responses would be published online, creating an open ledger of epistemic accountability accessible to citizens and scholars alike.

2. **Whistle-blower protection**. Staff, students, or affiliates who disclose epistemic malpractice or suppression would receive statutory protection comparable to that under the Public Interest Disclosure Act 1998. Such protection would recognise the act of epistemic dissent as a civic service, not a contractual breach.

3. **Citizen advisory boards**. Each region or devolved nation would maintain a plural advisory panel comprising academics, journalists, civic leaders, and lay citizens. These panels would review FCKI reports and contribute to deliberations on systemic trust and public understanding of science.

By integrating transparency, protection, and participation into its own structure, the FCKI would model the fiduciary virtues it seeks to institutionalise. It would mark the transition from symbolic accountability to genuine constitutional oversight—where the right to know is safeguarded through legally mandated fiduciary openness.

6.4.4 Jurisdiction and Legal Competence

The jurisdictional design of the *Fiduciary Commission for Knowledge Integrity* (FCKI) must operate coherently within the United Kingdom's devolved governance of higher education. Education and research are devolved

matters: the Higher Education Funding Council for Wales, the Scottish Funding Council, and the Department for the Economy (Northern Ireland) exercise regulatory competence alongside the Office for Students in England. Consequently, any fiduciary oversight mechanism must recognise plural constitutional authority while maintaining national consistency in fiduciary standards.

Two principal models are feasible.

1. **Coordinated Devolution Model**.
   The FCKI would function as an *intergovernmental coordinating body* established under a UK-wide framework agreement, akin to the Joint Nature Conservation Committee or the Office for Environmental Protection's devolved structure. Each devolved government would retain primary oversight through its own regulatory agency, while the FCKI would set baseline fiduciary standards—candour, care, loyalty, and accessibility—applicable across the United Kingdom. This ensures parity of epistemic integrity while respecting devolved autonomy.

2. **Reserved Competence Model**.
   Alternatively, Parliament could designate fiduciary oversight of knowledge institutions as a reserved matter on constitutional grounds, justified by its role in safeguarding democracy's epistemic infrastructure. This approach would centralise the FCKI under Westminster authority, with devolved administrations represented through advisory councils. While more uniform, it risks political resistance and would require express legislative consent under the *Sewel Convention*.

Regardless of model, decisions of the FCKI—or any devolved fiduciary commission—would remain reviewable under administrative law, ensuring accountability through the ordinary mechanisms of judicial review and statutory appeal. This multi-level architecture embeds fiduciary constitutionalism within the United Kingdom's plural legal order, balancing epistemic coherence with constitutional subsidiarity.

These arrangements would allow the FCKI to operate across devolved jurisdictions while respecting legislative competence under the Scotland Act 1998 (ss 29–30), Government of Wales Act 2006 (s 108), and Northern Ireland Act 1998 (Sch 2). Any extension of fiduciary oversight to devolved higher-education systems would therefore proceed by consent under the Sewel Convention, ensuring parity of moral obligation without constitutional encroachment. The resulting framework would be *constitutionally plural yet epistemically coherent* —a governance model capable of accommodating regional autonomy while maintaining a unified standard of fiduciary openness across the United Kingdom.

6.5 Implementation Pathways

6.5.1 Legislative Amendment Process

Translating fiduciary constitutionalism into enforceable law requires incremental yet coherent reform of the Higher Education and Research Act 2017 (HERA 2017). Two legal routes are available.

1. **Secondary legislation**. The Secretary of State may, under existing HERA 2017 powers, introduce *Regulations on Epistemic Integrity and Fiduciary Accountability*. Such regulations could add fiduciary duties to the Conditions of Registration administered by the *Office for Students* (OfS), thereby operationalising core duties of candour, care, loyalty, and accessibility without immediate primary-legislative change.

2. **Parliamentary bill**. A more durable reform would involve a **Higher Education (Fiduciary Duties) Bill** amending HERA 2017 to create a statutory basis for the *Fiduciary Commission for Knowledge Integrity* (FCKI) and to codify fiduciary duties in law. Support could be cultivated through *All-Party Parliamentary Groups* (APPGs) concerned with universities, education, and science ethics, as well as through parliamentary select committees on education and technology.

Both routes should be preceded by a government white paper on *Knowledge Integrity and Democratic Resilience*, articulating the broader constitutional rationale for fiduciary reform—namely, that epistemic openness is as essential to democracy as judicial transparency is to justice.

6.5.2 Policy Instruments

Pending statutory amendment, several policy instruments can serve as transitional mechanisms for embedding fiduciary culture within higher-education governance:

1. **Integration into OfS Conditions of Registration**. The OfS could incorporate explicit fiduciary principles into its regulatory conditions, requiring providers to demonstrate compliance with duties of epistemic candour and care as prerequisites for registration.

2. **Epistemic Audit Frameworks (Pilot Programmes)**. Selected institutions—preferably across differing mission groups—should pilot *Epistemic Audit Frameworks* evaluating transparency in research, supervisory ethics, and knowledge dissemination. These pilots would test metrics and methodologies for subsequent national adoption.

3. **Knowledge Integrity Charters**. Universities may voluntarily adopt *Knowledge Integrity Charters*—soft-law instruments analogous to the Athena Swan Charter—affirming commitment to fiduciary duties, open access, and epistemic pluralism. Charters would provide normative alignment and visibility pending statutory codification.

Through these instruments, fiduciary principles would begin to permeate institutional practice before their formal legal entrenchment, creating a culture of epistemic responsibility preparatory to reform.

6.5.3 Risk and Feasibility Analysis

The transition toward fiduciary governance faces foreseeable obstacles:

- **Regulatory fatigue**. Universities already operate under dense compliance regimes. To mitigate resistance, fiduciary reform should streamline rather than expand bureaucracy by replacing redundant managerial reporting with concise fiduciary statements focused on transparency and public accountability.

- **Academic resistance**. Some may perceive fiduciary codification as external interference in academic freedom. In fact, fiduciary law functions as its protector: by legally enshrining candour and loyalty to truth, it insulates scholarship from coercion by funders, ranking agencies, or political patrons.

- **Funding constraints**. Implementation costs—particularly for audits and disclosure infrastructure—can be offset by reallocating portions of administrative overhead toward fiduciary oversight, a shift from performative compliance to substantive integrity.

Properly designed, fiduciary codification enhances rather than limits intellectual freedom. It guarantees that autonomy is exercised within a framework of moral trust, not market subservience. In this sense, the EFU

reform constitutes not a new layer of regulation but the restoration of an older compact: that knowledge, like justice, must be administered in the light.

6.6 Global Harmonisation and International Norms

6.6.1 UNESCO and OECD Frameworks

The fiduciary model of epistemic governance articulated in this study does not arise in isolation but resonates with existing global integrity instruments. The UNESCO *Recommendation on Science and Scientific Researchers* (2017) articulates principles of honesty, accountability, professional responsibility, and service to society—each of which maps directly onto the fiduciary duties of candour, care, loyalty, and accessibility. Similarly, the *OECD Principles for Research Integrity* (2021) codify commitments to transparency, fairness, and stewardship that form the operational vocabulary of fiduciary ethics.

Aligning the *Epistemic Fiduciary University* (EFU) framework with these instruments transforms them from voluntary codes into constitutional standards. Where UNESCO and OECD set moral expectations, fiduciary constitutionalism provides the juridical scaffolding to enforce them. In this way, fiduciary law becomes the normative bridge between national governance and international epistemic ethics—translating global declarations of integrity into legally actionable duties within domestic legislation such as the Higher Education and Research Act 2017.

The EFU model therefore advances the UNESCO and OECD aspirations from recommendation to realisation: turning normative aspiration into enforceable public trust.

6.6.2 Comparative Jurisdictions

Comparative analysis demonstrates the plausibility of embedding fiduciary duties across multiple legal and cultural systems.

- **European Union**. The EU's evolving Research Integrity and Open Science directives already impose transparency requirements on funded institutions. Incorporating fiduciary duties of candour and accessibility into these frameworks would provide a coherent moral foundation for existing compliance regimes.

- **United States**. The *National Science Foundation*'s (NSF) codes of conduct and the *Office of Research Integrity* offer soft-law analogues to fiduciary accountability. Codifying such duties federally could transform integrity oversight from bureaucratic enforcement into constitutional obligation—binding public universities to epistemic candour in their use of federal funds.

- **Commonwealth and Global South Jurisdictions**. Many Commonwealth countries—such as Canada, Australia, and India—share the common-law fiduciary tradition. Integrating fiduciary epistemic duties into higher-education charters or statutes would extend this moral architecture globally. For developing systems, fiduciary constitutionalism provides a framework for safeguarding epistemic autonomy against the dominance of Western publishing and funding hierarchies (cf. Kahl 2025v).

Looking forward, international epistemic-integrity treaties could institutionalise transnational fiduciary reciprocity: recognising that breaches of epistemic candour—like environmental or financial misconduct—carry global consequences and require coordinated remedy.

6.6.3 Toward a Global Fiduciary Compact

Ultimately, the movement toward fiduciary openness must transcend national frontiers. Knowledge is a planetary commons, and its governance demands an equally global compact. A *Global Fiduciary Compact for Knowledge Integrity* would commit signatory states and institutions to uphold epistemic candour, care, loyalty, and accessibility as universal constitutional norms. Such convergence would:

1. Counteract *epistemic nationalism*—the protectionist withholding of data, results, or expertise for strategic advantage.

2. Strengthen *transnational trust* by creating shared fiduciary expectations across jurisdictions.

3. Provide a normative foundation for global crisis responses—pandemics, climate change, artificial intelligence—where cross-border knowledge flows depend on mutual epistemic confidence.

In this vision, fiduciary constitutionalism becomes the moral lingua franca of global knowledge governance: a framework through which universities, governments, and international organisations collectively sustain the cognitive infrastructure of humanity.

6.7 The Moral Re-anchoring of the University

6.7.1 Ethical Renewal

The juridical framework proposed throughout this chapter—statutory duties, fiduciary audits, and independent oversight—remains incomplete without ethical animation. Law can prescribe duties, but only virtue can sustain them. As Gold and Miller (2014, pp. 93–95) observe, fiduciary law depends upon virtue as its animating core: legal obligation alone cannot produce trustworthy conduct without the cultivation of moral disposition. The *Epistemic Fiduciary University* (EFU) must therefore be more than a legal construct; it must embody an ethical renewal of the academic vocation.

Reaffirming the university as a *moral trustee of truth* requires re-translating fiduciary duties into lived virtues:

- **Candour** becomes *honesty*—the courage to speak truthfully even when inconvenient or institutionally risky.

- **Care** becomes *diligence*—the conscientious pursuit of intellectual and pedagogical excellence.

- **Loyalty** becomes *devotion*—an enduring fidelity to truth and to the epistemic welfare of society.

- **Accessibility** becomes *justice*—a commitment to share knowledge as a public good, not a private commodity.

Only when these virtues are cultivated as institutional dispositions rather than compliance metrics can fiduciary law function as moral architecture. The EFU thus reanimates the ancient promise of the university:

not merely to generate knowledge, but to exemplify integrity in its pursuit. As Gold and Miller note, fiduciary virtue transforms legal duty into moral trust, bridging compliance and conscience within institutional life.

6.7.2 Cultural Transformation

Legal reform without cultural transformation risks becoming a new form of managerialism. The EFU requires a change not only in governance but in *academic ethos*: how universities think, deliberate, and relate to their communities.

Three transformations are essential.

1. **Dialogical Governance**. Decision-making must shift from hierarchical command to fiduciary dialogue. Academic senates and councils should function as deliberative bodies of mutual accountability, where transparency and dissent are valued as expressions of care.

2. **Epistemic Humility**. Drawing upon *Epistemic Humility and the Transposition of Ethical Duties into Epistemic Duties* (Kahl 2025c), universities must recognise the finitude of knowledge and the moral obligation to remain open to correction. Humility here is not weakness but the fiduciary virtue that sustains candour.

3. **Institutional Reflexivity**. Universities must periodically interrogate their own epistemic structures—examining how power, funding, and ideology shape what counts as credible. Reflexivity ensures that fiduciary openness remains a living practice rather than a procedural formality.

Through these transformations, the culture of compliance gives way to a culture of conscience. The university becomes not merely an organisation that *has* ethics, but one that *is* ethical by design.

6.7.3 The EFU as Paradigm Shift

The *Epistemic Fiduciary University* marks a paradigm shift in the philosophy of higher education. It reframes universities not as market actors competing for reputation, nor as bureaucracies optimising efficiency, but as fiduciary institutions constituting democracy's cognitive infrastructure. The EFU unites law and morality, governance and virtue, into a single framework of epistemic stewardship.

This re-foundation restores balance to the epistemic constitution: it reasserts that knowledge, like justice, must be administered under conditions of transparency, integrity, and care. By re-anchoring the university in fiduciary duty and moral trust, the EFU transforms higher education from an industry of metrics into a civic institution of meaning. It renews the social covenant that legitimises the university's existence—the promise that truth will not be traded, but tended.

6.8 Chapter Summary and Transition

This chapter has translated fiduciary-epistemic theory from principle into practice. It has conceived the *Epistemic Fiduciary University* (EFU) as the operational realisation of fiduciary constitutionalism—an institutional model through which the moral duties of candour, care, loyalty, and accessibility become juridically enforceable and culturally sustained. The EFU reframes the university's mission as epistemic trusteeship: a public office of truth held in confidence for society.

At the legislative level, the chapter proposed amending the Higher Education and Research Act 2017 to codify fiduciary duties, accompanied by annual Epistemic Fiduciary Statements and independent oversight by a *Fiduciary Commission for Knowledge Integrity* (FCKI). Policy instruments—*Epistemic Audit Frameworks*, *Knowledge Integrity Charters*, and integration into the OfS's registration conditions—were outlined as transitional pathways. In the international domain, the EFU was aligned with UNESCO and OECD integrity frameworks, positioning fiduciary openness as the global lingua franca of knowledge governance. Finally, the discussion reaffirmed that codification must be animated by virtue: candour as honesty, care as diligence, loyalty as devotion, and accessibility as justice. Law provides structure; moral trust provides life.

The argument now ascends from the institutional to the constitutional. Chapter 7, *Restoring the Fiduciary Compact of Knowledge*, will generalise the EFU model into a broader epistemic constitution—integrating universities, media, and AI firms as co-guarantors of the epistemic commons. It will show that the survival of democratic reason depends upon the restoration of a fiduciary compact linking all knowledge institutions in a shared architecture of openness, responsibility, and trust.

7. Restoring the Fiduciary Compact of Knowledge

7.1 Chapter Overview and Aims

The argument of this study has unfolded as a progressive reconstruction of epistemic legitimacy through the lens of fiduciary theory. Chapter 1 recovered the university's fiduciary heritage as the moral anchor of its authority; Chapter 2 elaborated the constitutional architecture of epistemic governance; Chapter 3 diagnosed the structural breaches produced by marketisation; Chapter 4 traced their inscription into cognition and pedagogy; Chapter 5 analysed the constitutional consequences of epistemic capture; and Chapter 6 proposed legal and institutional reconstruction through the *Epistemic Fiduciary University* (EFU) model.

This final chapter ascends from design to justification. It returns to the philosophical foundations that make fiduciary constitutionalism possible and necessary. Its purpose is not only to restore the fiduciary compact of knowledge but to clarify the moral and political vision that such restoration presupposes.

Two deeper claims drive this chapter.

First, fiduciary governance cannot be sustained by law alone.
It requires a corresponding moral psychology—a constellation of dispositions, virtues, and affective structures that enable individuals and institutions to act as trustworthy stewards of knowledge rather than as self-interested agents. The fiduciary constitution of knowledge therefore emerges simultaneously as a juridical design and an ethical culture.

Second, the governance of knowledge is inseparable from the governance of the shared world itself.
As Arendt's analysis of the public realm suggests, political freedom depends on a common world of appearance in which truth can be made visible, contestable, and shared. Habermas adds that legitimacy arises from communicative conditions that enable reciprocity, sincerity, and mutual accountability. Both perspectives converge on the insight that epistemic openness—candour, accessibility, plurality—is not merely a virtue of academia but a precondition of democratic life.

Against this philosophical backdrop, fiduciary re-foundation becomes a constitutional project: a reconstruction of the epistemic conditions under which public reasoning, judgement, and collective action remain possible.

Three framing questions therefore guide this final inquiry:

1. **What moral psychology sustains fiduciary governance?**
   What patterns of trust, humility, and relational responsibility must be cultivated for institutions to honour their fiduciary duties in practice?

2. **How can fiduciary duties be reinterpreted as intellectual virtues?**
   How might candour, care, loyalty, and accessibility function not only as legal obligations but as epistemic virtues shaping the moral character of governance?

3. **What would a constitutional order grounded in epistemic trust look like?**
   How can the fiduciary model extend beyond universities to encompass media, AI systems, and other epistemic institutions as co-trustees of the epistemic commons?

Addressing these questions allows the chapter to move from the architecture of law to the architecture of conscience—from fiduciary regulation to fiduciary virtue. It thus completes the philosophical circle with which the study began: the claim that knowledge, entrusted to care, is the moral foundation of freedom. The remainder of the chapter builds this foundation by integrating fiduciary theory with a wider philosophical tradition concerned with world-building, public reason, and the ethical conditions of democratic life.

7.2 Fiduciary Law as Moral Architecture

7.2.1 Frankel's Legacy

Tamar Frankel's work remains the foundational reference point for understanding fiduciary law as a *moral architecture* rather than a mere regulatory form. In *Fiduciary Law* (1983) and later in *The Rise of Fiduciary Law* (2018), Frankel conceived fiduciary relationships as the structural moral fabric of complex societies—legal designs that channel discretionary power through the virtues of trust, loyalty, honesty, and care. Fiduciary law, in her account, is not simply a device for restraining misconduct but a constitutional mechanism for transforming vulnerability into cooperation: a system that enables the entrustment of one's interests to another without succumbing to exploitation or domination.

Unlike command-and-control regulation, fiduciary law presupposes a moral relationship. It binds the powerful not through surveillance but through conscience, establishing duties that are simultaneously legal and ethical. Frankel's insight that fiduciary duties "*civilise power*" (1983, p. 795) provides the jurisprudential foundation for extending the fiduciary model beyond private transactions to public and epistemic institutions. As she later observed, the expansion of fiduciary principles tracks the growing complexity of modern life: as social systems multiply, trust must itself be institutionalised if cooperation is to endure (Frankel, 2018, pp. 5–6). Her theory thus offers not a technical doctrine but a constitutional morality—a way of structuring trust as a principle of governance.

Recent work in virtue jurisprudence strengthens this interpretation of Frankel's legacy. Solum (2003) argues that law's legitimacy depends on cultivating judicial and institutional virtues that transform authority into moral excellence, while Oakley and Cocking (2009) emphasises attentiveness and care as the core of professional integrity. Viewed through this lens, fiduciary law becomes the institutional embodiment of virtue

ethics: it translates inner dispositions—honesty, fairness, prudence—into enforceable duties. The fiduciary relation thus operates as law's ethical infrastructure, transforming conscience into constitution.

7.2.2 The Epistemic Extension

Transposed to the epistemic domain, Frankel's moral architecture illuminates how knowledge institutions function as fiduciaries of society's cognitive welfare. Universities, media organisations, and scientific communities exercise discretionary authority over the creation, validation, and distribution of truth. Their legitimacy, therefore, depends on fulfilling fiduciary duties of candour, care, loyalty, and accessibility.

When these duties falter, epistemic authority degenerates into clientelism—knowledge becomes patronage, truth becomes transaction. The result is a structural breach in democracy's cognitive infrastructure: the public no longer trusts the institutions tasked with mediating truth. As Kahl (2025l; 2025o) argues, the integrity of democratic governance rests on epistemic trust no less than on political consent. Without fiduciary candour, the architecture of public reason collapses into instrumental communication; without accessibility, the epistemic commons shrinks into proprietary silos; without care and loyalty, intellectual independence succumbs to market capture.

Viewed in light of virtue jurisprudence, this epistemic extension operationalises what Solum (2003, pp. 39–42) calls *institutional virtue*: the habituation of just practice within structural design. The fiduciary university does not merely obey rules; it cultivates the virtues that sustain trustworthy knowledge.

7.2.3 From Moral Obligation to Constitutional Necessity

Fiduciary law, rightly understood, is not an adjunct to ethics but a constitutional foundation of the public sphere. It delineates how truth is generated, verified, and disseminated under conditions of moral restraint. In this sense, fiduciary duty performs for epistemic governance what the rule of law performs for political order: it converts the potential arbitrariness of discretion into the predictability of trust.

This convergence between fiduciary jurisprudence and epistemic ethics situates fiduciary law within the wider tradition of epistemic justice. As Fricker (2007) and Medina (2013) show, credibility and interpretive fairness are moral conditions for truthful communication; virtue jurisprudence extends these insights by giving them institutional form, translating testimonial responsibility into enforceable fiduciary candour.

To treat fiduciary duty merely as professional courtesy is therefore to misrecognise its constitutional significance. It is the unseen scaffolding of democratic reason—the framework that makes deliberation, expertise, and civic trust possible. As Kahl (2025c, § 3.1) notes, epistemic humility is not a moral ornament but a structural necessity: it limits epistemic power in the same way that fiduciary loyalty limits financial or political power. Solum's virtue of justice and Oakley and Cocking's ethics of care converge here: both render morality a systemic precondition for legitimate authority.

Fiduciary law thus completes the transition from ethics to constitution. It renders the governance of knowledge a matter of public right rather than private virtue, embedding moral trust in the institutional fabric of democracy itself.

7.3 Fiduciary Virtue Ethics

7.3.1 From Duties to Virtues

While fiduciary law provides the structural grammar of entrusted power, its enduring legitimacy depends upon the cultivation of corresponding virtues. Duties codified in statutes or policies risk devolving into formalism unless animated by moral disposition. Drawing upon *Epistemic Humility and the Transposition of Ethical Duties into Epistemic Duties* (Kahl 2025c), the moral-psychological analysis of fiduciary discretion in Gold and Miller (2014, ch. 3), and recent work in virtue jurisprudence (Solum 2003; Oakley & Cocking 2009), this section reinterprets fiduciary obligations as intellectual virtues—habits of character that transform legal rule into ethical practice.

- **Candour → intellectual honesty and truthfulness**. Candour is not mere disclosure but the courage to speak truth under pressure—to resist the instrumentalisation of language for managerial or ideological ends. It is the epistemic analogue of judicial transparency, a virtue that sustains the credibility of reasoned discourse.

- **Care → epistemic diligence and attentiveness**. Care demands patience, precision, and responsibility in the pursuit of knowledge. It counterbalances haste and performativity, affirming that integrity requires the slow discipline of understanding.

- **Loyalty → moral courage and fidelity to truth**. Loyalty reframes obedience: it is not servility to institution or ideology but steadfast devotion to truth as a public good. In fiduciary terms, loyalty is the refusal to subordinate epistemic duty to political or financial interest.

- **Accessibility → justice through openness and inclusion**. Accessibility expresses the distributive dimension of virtue. It transforms knowledge from privilege to common inheritance, recognising that epistemic justice is the moral correlate of social justice.

Through this transposition, fiduciary ethics becomes a virtue ethics of governance. The fiduciary's task is no longer merely to comply with external rules but to internalise intellectual virtues that sustain public trust. As Brady and Fricker (2016) emphasise, epistemic life is inherently collective: virtues of trust, candour, and mutual recognition sustain the epistemic reliability of groups just as fiduciary duties sustain the integrity of institutions. As Solum (2003) observes, the rule of law depends upon *phronēsis*—practical wisdom exercised through institutional habit; the same principle governs the moral authority of epistemic institutions. In this respect, fiduciary virtue ethics complements the accounts of epistemic justice developed by Fricker (2007) and Medina (2013): both traditions cultivate dispositions that prevent the domination of interpretive authority and preserve the integrity of shared understanding.

This conception of fiduciary virtue aligns with Zagzebski's (1996) virtue-epistemological framework, which treats intellectual virtues as both moral and cognitive excellences: habits that unify the pursuit of truth with the good of the knower. Where Zagzebski grounds knowledge in the ethical orientation of the subject, fiduciary virtue ethics extends that orientation to institutions, requiring that epistemic power itself embody honesty, courage, and benevolence in its collective form.

Fiduciary virtue ethics thus supplies the moral counterpart to Lessig's (2013; 2014) institutional-corruption framework: where structural dependency distorts purpose, virtue offers the inner discipline capable of restoring integrity. Together with Fricker (2007) and Medina (2013), this convergence affirms that epistemic justice and fiduciary virtue share a common telos—the preservation of trustworthy power.

7.3.2 The Virtue of Humility

At the centre of this ethical constellation lies epistemic humility—the meta-virtue that binds and moderates all others. As Kahl (2025c, §§ 2.1–2.3) argues, humility performs the epistemic function of proportionality: it tempers knowledge with awareness of its limits and restrains power with consciousness of dependence. Humility prevents candour from hardening into arrogance, care from degenerating into control, loyalty from collapsing into dogma, and accessibility from lapsing into populism.

Epistemic humility thus converts fiduciary governance into moral self-governance. It acknowledges that truth cannot be possessed, only pursued under conditions of reciprocity. In democratic terms, humility is the cognitive counterpart of the rule of law—it ensures that authority, whether legal or epistemic, remains accountable to reason rather than to will. As Oakley and Cocking (2009) emphasise, professional virtue entails moral attentiveness and the humility to acknowledge one's fallibility without abdicating responsibility.

7.3.3 Cultivation and Practice

For fiduciary virtue ethics to acquire institutional force, it must be cultivated not as private morality but as public epistemic duty. Universities, media organisations, and AI developers must embed these virtues into their educational and organisational cultures.

- **Education**. Curricula should integrate epistemic virtue ethics alongside research integrity, teaching students that intellectual honesty and humility are the foundations of credible inquiry.

- **Leadership**. Institutional leaders must model fiduciary virtues in practice—speaking truthfully, acknowledging uncertainty, and protecting candour within their organisations.

- **Governance culture**. Decision-making must be dialogical rather than hierarchical, allowing dissent and critique to function as expressions of care rather than insubordination.

Through such cultivation, fiduciary virtue ethics transforms compliance into conscience. The university—and by extension, the wider *Epistemic Estate*—becomes a moral community organised around the stewardship of truth. Virtue thereby completes what law alone cannot: it restores the moral interior of the fiduciary constitution.

7.4 The Epistemic Estate: A Constitutional Synthesis

7.4.1 Concept and Composition

The concept of the *Epistemic Estate* crystallises the constitutional insight implicit throughout this study: that democratic governance rests upon an organised system of fiduciary institutions responsible for maintaining the integrity of collective knowledge. Beyond the traditional tripartite separation of powers—legislative, executive, and judicial—there exists a fourth branch that governs the conditions of truth itself. This branch, the *Epistemic Estate*, comprises universities, media, and artificial-intelligence systems: institutions that mediate, verify, and disseminate knowledge across the social body.

Whereas the legislature enacts norms of conduct, the executive enforces them, and the judiciary interprets them, the *Epistemic Estate* ensures that these processes are informed by truth rather than distortion. Its authority derives not from coercion but from credibility—a form of fiduciary power sustained by trust. In this

sense, the Epistemic Estate is not an ancillary cultural domain but a co-equal constitutional organ, charged with preserving the epistemic conditions that make democracy intelligible to itself.

7.4.2 Functional Parity

The epistemic branch sustains the legitimacy of the other three.

- **Legislature**. Law-making presupposes access to reliable evidence and reasoned expertise; without fiduciary candour in the production and interpretation of facts, legislation devolves into ideology.

- **Judiciary**. Adjudication requires the integrity of truth-claims. The rule of law depends upon an epistemic rule of evidence, and universities and media together supply the infrastructures of expertise and public reasoning that underpin judicial deliberation.

- **Executive**. Policy implementation demands informed decision-making. Without epistemic care and accessibility, administrative action becomes technocratic without being truthful.

Thus the *Epistemic Estate* provides the constitutional condition of lawful governance: it anchors deliberation, judgment, and action in epistemic integrity. Where knowledge becomes corrupted, each branch of government loses its normative footing; public reason collapses into spectacle. Fiduciary openness, therefore, functions as democracy's unseen separation of powers—the barrier between informed freedom and orchestrated consent.

7.4.3 Fiduciary Integration

Within the Epistemic Estate, each institution exercises fiduciary trust through a distinct but interdependent modality:

- **Universities** steward foundational inquiry and education. Their duty is to cultivate epistemic candour and care—to generate knowledge free from political or commercial subordination.

- **Media** mediate public understanding and deliberation. Their fiduciary responsibility is to communicate truthfully and inclusively, ensuring that knowledge circulates within the public sphere as common property rather than ideological commodity.

- **AI systems** curate and generate epistemic data. They represent a new fiduciary frontier: algorithmic entities entrusted with the power to sort, recommend, and increasingly define what counts as relevant or credible knowledge. Their duty is epistemic loyalty to truth, not optimisation for engagement or profit.

Together these three domains form the fiduciary triad of modern knowledge governance. Each guards a dimension of epistemic life—production, mediation, and computation—and each depends upon the others' integrity. Their integration within a single constitutional framework, the *Epistemic Estate*, ensures that the moral architecture of fiduciary law extends across all modalities of knowing. The task of the present century, therefore, is to transform this implicit interdependence into explicit constitutional recognition: to acknowledge that democracy's survival depends not only on the separation of powers, but on the integration of trust.

7.5 The Fiduciary Constitution of Knowledge

7.5.1 From Fragmented Governance to Constitutional Unity

Modern knowledge governance remains structurally fragmented. Universities, media organisations, and AI platforms each operate under distinct regulatory regimes—educational law, press freedom, and data protection respectively—yet their combined activity defines the epistemic environment upon which democracy depends. This fragmentation produces a systemic blind spot: the absence of a unified constitutional framework safeguarding the integrity of truth itself.

The fiduciary constitution of knowledge seeks to rectify that omission. It recognises universities, media, and AI systems as constitutional actors in their own right—fiduciary organs responsible for preserving the credibility of public reason. Just as the judiciary ensures the procedural fairness of law, these epistemic institutions ensure the procedural fairness of truth. Their collective integrity forms what may be called democracy's cognitive rule of law: a normative order in which knowledge is governed by openness, accountability, and care.

The fiduciary constitution of knowledge therefore marks a paradigm shift. It moves beyond regulatory pluralism toward constitutional unity—binding diverse epistemic actors under a shared fiduciary mandate to serve the public's epistemic welfare. In doing so, it transforms knowledge from commodity to covenant, and transparency from managerial performance to constitutional duty.

This conception of an epistemic constitution diverges from the "fiduciary constitutionalism" criticised by Bray and Miller (2020). They caution that extending fiduciary language into the constitutional domain risks conceptual inflation, blurring the boundaries between moral duty and public authority. The present framework answers that critique by re-anchoring fiduciary reasoning in moral, not merely juridical, architecture. The epistemic constitution does not replace constitutional law; it restores its ethical foundation by locating legitimacy in candour, care, loyalty, and accessibility—the virtues through which knowledge institutions sustain the moral coherence of democracy.

7.5.2 Mechanisms of Mutual Accountability

The fiduciary constitution must be realised through institutional mechanisms that enable reciprocity and oversight across epistemic sectors. Three interlocking frameworks are proposed:

1. **Shared Fiduciary Audits**.
   Establish cross-sector audit mechanisms evaluating universities, media, and AI entities against a common fiduciary standard of candour, care, loyalty, and accessibility. Such audits would be overseen by the *Fiduciary Commission for Knowledge Integrity* (FCKI) and reported publicly, ensuring parity of accountability across all epistemic domains.

2. **Open-Data Obligations**.
   Introduce statutory duties for the transparent sharing of non-sensitive data, research outputs, and algorithmic methodologies. This would enable epistemic interoperability and prevent monopolisation of credibility by any single institutional type. Openness becomes the infrastructural analogue of fiduciary candour.

3. **Public Epistemic Impact Assessments**.
   Require major policy proposals, media systems, and AI architectures to publish epistemic impact assessments—evaluations of how their operations affect public trust, informational diversity, and

cognitive autonomy. Such assessments would parallel environmental-impact models but target epistemic ecosystems.

Through these mechanisms, the fiduciary constitution becomes operational rather than aspirational: a living system of transparency, dialogue, and reciprocal correction. Mutual accountability replaces disciplinary silos, and epistemic institutions become co-responsible for democracy's cognitive health.

7.5.3 The Fiduciary Compact

At the heart of this architecture lies the *fiduciary compact of knowledge*: a covenant uniting all epistemic institutions in a shared duty to uphold the public's right to know. The compact is not a mere code of ethics but a constitutional principle—a moral and legal bond between knowledge producers and the society they serve.

Breach of this compact therefore constitutes not professional misconduct but *constitutional injury*. When universities obscure research for reputational reasons, when media outlets distort facts for profit, or when AI systems manipulate cognition for engagement, each violates the same foundational trust that legitimises their power. Such breaches corrode the epistemic commons and destabilise the democratic order that depends upon it.

Conversely, honouring the fiduciary compact transforms epistemic life into a form of constitutional solidarity. Candour becomes a civic virtue; accessibility becomes a right; and knowledge itself becomes the medium through which democracy continually reconstitutes its moral legitimacy. In this final synthesis, fiduciary law and epistemic virtue converge: trust, once moral sentiment, becomes constitutional structure—the architecture of knowing that holds democracy together.

7.6 Knowledge as Moral Infrastructure

7.6.1 The Moral Foundation of Democracy

Every constitutional order rests upon invisible foundations of trust. Laws may regulate conduct, and institutions may allocate power, but democracy itself survives only so long as citizens believe that truth can be known and spoken in good faith. This moral confidence—the conviction that knowledge is produced and mediated with candour and care—constitutes the epistemic infrastructure of democratic life. It precedes law and enables it: without a trusted cognitive foundation, procedural fairness loses meaning, for rules applied to falsehoods can yield only injustice.

The fiduciary constitution of knowledge thus provides democracy with its moral architecture. Universities, media, and AI systems collectively form the neural network of public reason; their fiduciary integrity ensures that the information circulating through society retains normative weight. Where epistemic candour collapses, democracy decays not through tyranny of law but through corrosion of belief.

7.6.2 Re-enchanting the Public Sphere

The restoration of fiduciary trust is therefore a form of moral re-enchantment. It is not nostalgia for lost authority but renewal of faith in reason itself. When knowledge institutions speak truthfully, acknowledge uncertainty, and correct themselves openly, they re-awaken the civic imagination that democracy requires. Public discourse ceases to be a marketplace of outrage and becomes once more a forum of deliberation.

Fiduciary candour operates here as moral oxygen: unseen yet essential. It allows dissent to coexist with solidarity, and critique to coexist with care. In its absence, as Kahl (2025s, § 4.3) warns, the public sphere degenerates into spectacle and suspicion—a theatre of appearances where trust is replaced by performance. Re-enchanting the public sphere, therefore, means re-founding it upon fiduciary openness: the willingness to reveal, to listen, and to be held accountable to truth.

7.6.3 The University's Exemplar Role

Among all members of the *Epistemic Estate*, the university remains the paradigmatic fiduciary. It is both custodian and exemplar—charged not only with producing knowledge but with modelling the virtues that make knowledge trustworthy. Its duties of candour, care, loyalty, and accessibility thus carry pedagogical as well as constitutional significance: they teach society how to reason well, disagree honourably, and govern truth justly.

If universities embody these virtues in practice—disclosing errors without fear, engaging publics without condescension, resisting capture without cynicism—they can re-stabilise the moral infrastructure of democracy itself. Their example would demonstrate that knowledge, when governed by fiduciary conscience rather than market logic, is not merely an instrument of power but a covenant of trust.

In this sense, the university's moral vocation is renewed: to serve as the living demonstration that truth and justice are co-dependent architectures of the same democratic edifice—the moral infrastructure of a society that still believes in knowing.

7.7 Coda: Beyond the Enclosures

7.7.1 The Third Enclosure Movement

As *The Third Enclosure Movement* (Kahl 2025m) demonstrates, the global knowledge order is entering a new phase of privatisation. What land and labour were to early capitalism, data and cognition have become to the digital economy—resources to be fenced, monetised, and algorithmically governed. Academic publishing cartels, proprietary AI systems, subscription-based research platforms, and ranking-consultancy hybrids together constitute the architectural pillars of a renewed epistemic enclosure. Their structural logic mirrors the earlier historical enclosures: a shift from communal stewardship to proprietary control, legitimised through managerial rhetoric while hiding radical asymmetries of access.

Fiduciary constitutionalism emerges, in this context, as the normative counter-movement. It rejects the commodification of truth by re-anchoring knowledge in trust, accountability, and moral duty. Its central proposition is that knowledge cannot be owned in the strict proprietary sense: it can only be stewarded. The fiduciary model reconceives possession as responsibility—an obligation to preserve epistemic openness for the public and future generations. In this sense, the fiduciary turn is both juridical and emancipatory: a structural response to epistemic enclosure that restores humanity's collective guardianship over its own intelligence.

Where the enclosure of cognition turns knowledge into capital, fiduciary constitutionalism returns knowledge to the status of public good. It treats epistemic vulnerability—not institutional or commercial interest—as the foundation of legitimacy. The fiduciary constitution thus marks a structural alternative to the marketisation of knowledge: one grounded in the moral architecture of candour, care, loyalty, and accessibility.

7.7.2 The Promise of Re-Commoning

The fiduciary constitution of knowledge can therefore be read as the legal grammar of re-commoning: a framework through which epistemic resources are held not as private capital but as moral commons. Re-commoning does not eliminate expertise or hierarchy; rather, it subjects them to fiduciary discipline, binding epistemic power to the virtues of candour, care, and accountable stewardship. Its animating principle is reciprocity—knowledge returned to the communities whose vulnerability and trust sustain the epistemic order.

Here Arendt's conception of the public realm deepens the constitutional significance of re-commoning. For Arendt (1958), political freedom depends upon the existence of a shared world of appearance—a space where truths are made visible, contestable, and collectively owned. When knowledge is enclosed by markets, bureaucracies, or algorithmic platforms, that shared world disintegrates. Individuals cease to inhabit a common reality and instead occupy private epistemic enclosures shaped by institutional interest rather than public reason.

Fiduciary openness restores precisely the worldliness Arendt describes. By making knowledge genuinely public —intelligible, contestable, and answerable to those affected—it reconstitutes the shared space in which plurality, judgement, and democratic action are possible. The fiduciary duty of accessibility therefore acquires constitutional weight: it is the precondition for a public world capable of sustaining political freedom.

Re-commoning is thus not merely redistributive; it is fundamentally constitutional. It reconstructs the shared world by converting epistemic authority back into public trust. Through fiduciary openness, universities, media, and AI systems cease to be rival claimants to truth and instead become co-trustees of the epistemic commons—each responsible for maintaining visibility, contestability, and the public intelligibility of knowledge.

This is the positive vision that concludes the study: a world in which knowledge flows through networks of trust rather than markets of control; a world in which the public realm is sustained not by institutional image-making but by practices of candour, accessibility, and reciprocal responsibility. Re-commoning thus marks the re-moralisation of the epistemic constitution—the reconstruction, in Arendtian terms, of a world fit to be shared.

7.7.3 Philosophical Foundations for a Fiduciary Epistemic Order

The enclosures of the twenty-first century cannot be dismantled by technological reform alone; they require a renewal of the moral imagination that treats knowledge as a shared inheritance rather than a proprietary asset. *Toward a City of Free Thinkers* (Kahl 2025v) contends that emancipation begins not by overthrowing institutions but by cultivating epistemic freedom within them—reconfiguring universities, media, and AI systems as environments in which candour, care, loyalty, and accessibility function as civic virtues of knowing. This section deepens that normative horizon by grounding the fiduciary model within a broader philosophical tradition.

Arendt's *The Human Condition* (1958) provides the first pillar. Political freedom, for Arendt, depends on a shared world of appearance—a space in which human beings can see and be seen, speak and be answered, judge and be judged. Epistemic enclosures fracture this shared world by replacing plurality with opacity and substituting public reason with curated narratives. Fiduciary openness restores the worldliness Arendt describes: it reconstitutes knowledge not merely as accessible information but as a public object—visible, contestable, and capable of sustaining collective judgement.

Habermas supplies the complementary architecture. In *The Theory of Communicative Action* (1984), legitimacy arises from communicative conditions grounded in reciprocity, sincerity, and mutual accountability. Marketised or algorithmic epistemic orders destabilise these conditions by converting communicative vulnerability into a resource for exploitation. Re-commoning knowledge—subjecting epistemic power to fiduciary duties—rebuilds the communicative infrastructure that deliberative democracy requires. It anchors public reason in practices of candour and accountability rather than in reputational or algorithmic authority.

Taken together, Arendt and Habermas illuminate the deeper stakes of fiduciary re-foundation. It is not simply a regulatory reform but a form of world-building: a reconstruction of the shared epistemic space in which judgement, disagreement, and collective action become possible. To act as fiduciaries of knowledge is to sustain this shared world—to uphold the conditions under which truths can appear, be contested, and belong to everyone rather than to no one.

This philosophical groundwork sets the stage for the study's final synthesis. Section 7.8 brings the juridical, cognitive, and moral strands together, articulating the constitutional claim at the core of the project: that democracy's survival depends upon preserving a fiduciary order of knowing—an order in which the openness of thought and the openness of governance stand or fall together.

7.8 Chapter Summary and Conclusion of the Study

This final chapter has expanded the inquiry from institutional design and cognitive dynamics to the philosophical imagination required to rebuild the epistemic commons. Through the lens of fiduciary constitutionalism, it has argued that the contemporary crisis of knowledge—its enclosure by markets, bureaucracies, and algorithmic systems—is not solely a governance failure but a moral one: a collapse of the shared world in which truth becomes a public object.

The trajectory of the study forms a coherent arc of diagnosis and reconstruction:

- **Chapter 1** recovered the university's fiduciary heritage, locating its moral authority in obligations to epistemic welfare rather than market position.

- **Chapter 2** developed the idea of the epistemic estate and introduced the fiduciary constitution of knowledge, situating universities, media, and AI systems as co-responsible organs of public reason.

- **Chapters 3–5** traced how fiduciary duties fracture under marketisation and managerialism, generating epistemic enclosure at institutional, pedagogical, and cognitive levels.

- **Chapter 6** proposed juridical reforms—the *Epistemic Fiduciary University* and the *Fiduciary Commission for Knowledge Integrity*—to restore fiduciary discipline within knowledge institutions.

- **Chapter 7** reinterpreted these reforms within a broader philosophical horizon, showing how Arendt's worldliness and Habermas's communicative legitimacy converge with fiduciary ethics to ground a constitutional alternative.

Rather than simply restating earlier claims, this chapter has reframed them constitutionally. It clarified that fiduciary duties—candour, care, loyalty, and accessibility—are not merely ethical norms for institutional actors but structural conditions for sustaining a common world. First introduced as virtues of scholarly trust, these duties reappear here as the organising grammar of an epistemic republic: a political order in which truth is stewarded through reciprocal accountability rather than curated through institutional opacity.

The overarching claim of the study is therefore both normative and constitutional: **democracy survives only insofar as it remains a fiduciary order of knowing**. Where fiduciary duties collapse in universities, media, and AI systems, the conditions for public reason disintegrate. Where they are restored, the shared world required for judgement, disagreement, and collective agency becomes possible again.

To re-found the epistemic constitution on fiduciary openness is thus not merely a policy intervention but a re-moralisation of civilisation's cognitive infrastructure. It is an act of collective guardianship over the world we hold in common—a world that must remain open if it is to remain free.

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Version History

Version	Description of Changes	Epistemic Impact	Date
1	Initially titled *The fiduciary breach of the modern university: Fiduciary law and the epistemic constitution of the fourth estate*	N/A	2025-11-15

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