



The teachers' pedagogical fiduciary duty to their students

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Abstract

In education, the teacher's fiduciary duty to their students has been usually considered within the context of legal or ethical studies. In this article, I consider the notion of the teacher's fiduciary duty from a *pedagogical* point of view as the obligatory relationship that shapes guidance, advisement, and organization of the educational processes. I discuss what the fiduciary duty in general and the pedagogical fiduciary duty in specific is. I examine the three major arguments against the teachers' pedagogical fiduciary duty to their students coming from educational paternalism, institutionalism, and self-directed education. Similar to the legal and medical field studies of the fiduciary duty, I bring and analyze several problematic cases of the teachers' pedagogical fiduciary duty to their students, involving a teacher's unsolicited guidance, non-fiduciary fiduciary, autopaternalist fiduciary, and legitimatizing the student's voice. Based on these cases, I abstract five types of self-education. Finally, I contemplate how much the teacher-student pedagogical fiduciary relationship is dialogic and democratic.

In 1987, when I, as a young adult, still living in Moscow, the USSR, our American friend Lauren, a Russian literature student at the University of Washington, came to our apartment in the center of the city in immense distress. She just came back from visiting Leningrad (now St. Petersburg). Unfortunately, during her visit, she got a toothache. She went to see a Soviet male dentist who extracted her ill tooth without her consent. Not only the procedure was painful, but also the Soviet dentist did not explain to her what was coming up and what she should expect during the extraction of her tooth. But even worse, he did not ask Lauren for permission to do the proce-

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dure. The latter bothered her the most – she felt violated, Lauren told us. My wife and I (and later my Soviet friends) were also appalled. However, for a different reason than Lauren. Besides her being in pain, we could not understand her fuss at the Soviet dentist not asking her permission for the extraction of her aching tooth.

That was how for the first time when I learned about “fiduciary duty” – in this case, it was about a doctor’s fiduciary duty to this patient. Neither this term nor this practice existed in the Soviet Union. My wife, Soviet friends, and I thought, “Doctors know better what to do – why should they bother to seek permission from their medically ignorant patients?!” On the other hand, Lauren’s argument that she came to the dentist for help and, hence, he must help her in the way how she wanted him to help deeply resonated with me as well. The sanctity of one’s body and one’s agency demands from a doctor asking for permission from the patient for any medical procedure unless it is such a medical emergency that asking the patient for permission is impossible or can be harmful in itself.

At its core, the fiduciary relationship is defined by the fiduciary, usually an expert in the field, as helping the beneficiary choose the best course of actions suited to the beneficiary’s interests and goals, which may or may not be known in advance by the beneficiary. The chosen course of action can be conducted by the beneficiary themselves, by the fiduciary, by the third party, or by combining any three of them. It is recognized by the fiduciary that the beneficiary has the final say on the course of actions, regardless of its approval by or agreement with the fiduciary. In short, in the context of education, the teacher’s pedagogical fiduciary duty to their student is to recognize and respect that the student is the final authority for their own education and life.

For some time, I have been asking myself if teachers must have a fiduciary obligation to their students, similar to the obligation expected from Western doctors, financial consultants, and lawyers or not. If so, what involves in the teachers’ pedagogical fiduciary duty. This inquiry is important because it defines the professional role of the teacher concerning their students. In contrast to medical doctors, lawyers, financial consultants, and priests, modern society does not recognize teachers as their students’ servants (or, better say, fiduciaries). There is no analog of the Hippocratic oath for teachers. For example, when the infamous California Proposition 187 to “prohibit undocumented immigrants from using non-emergency health care, public education, and other services in the State of California”¹ was passed through the referendum in California in 1994, it required California teachers to report on their students, undocumented immigrants, while doctors, lawyers, and clergy were exempt² (Martin, 1995). When my then-graduate student Stephanie Dryer tried to write a teacher’s oath³, we searched on the Internet for teacher’s oaths. We could find one pledging loyalty to the state and not to the students⁴.

¹ https://en.wikipedia.org/wiki/1994_California_Proposition_187.

² Later this part of the Proposition was found unconstitutional and unenforceable but not because of the courts’ recognition of teachers’ fiduciary duty to their students: <https://www.cde.ca.gov/re/lr/cl/cefistatus.asp>.

³ <https://ematusov.soe.udel.edu/oath/>.

⁴ <https://cite.case.law/ga/184/580/>.

It is not only an issue of professional ethics but also of pedagogy. The pedagogical fiduciary obligation would require the teacher to involve their students in defining the students' own educational goals, values, and practices, which would affect the teacher's pedagogy itself. I describe the term "fiduciary duty" in the following way:

1. The beneficiary is bonded with the fiduciary by the relationship of trust, good faith, safety, candor, and fairness (Grierson, 2018; Rumel, 2013).

2. The fiduciary promises to provide help and act in the best interests of the beneficiary. "The fiduciary must forsake all self-interest and conflict of interest, and the making of secret profit in performance of the duties" (Grierson, 2018, p. 205).

3. The beneficiary is recognized by the fiduciary as the highest authority to define their own best interests and act upon them regardless of how much the fiduciary agrees or approves the beneficiary's ultimate decisions or actions.

4. However, the beneficiary does not always know well what their best interests are because of a lack of information about alternatives or because of having blind spots. When it is the case, the fiduciary must inform the beneficiary and help the beneficiary find out their best interests, at the best of the fiduciary's ability and competence.

5. The fiduciary must search for and learn about the limitations of their own abilities and competence and, when needed, direct the beneficiary to more knowledgeable and/or competent others for help.

6. The fiduciary relationship is consensual, initiated by the beneficiary. It can be terminated by the beneficiary or by the fiduciary at any time for any reason.

Items #3–6, affirming the beneficiary agency and primacy, are notoriously absent from the legal literature discussing the fiduciary duty in the context of education. In contrast, in medical and legal practices, the consent on medical care or legal action has been widely discussed (e.g., Joffe & Truog 2010).

The biggest tension among the items is between items #3 and #4. While item#3 affirms the primacy of the beneficiary (e.g., student) over the fiduciary (e.g., teacher) in defining their best interests and acting upon them, item#4 entrusts the fiduciary with freedom, authorship, activism, and responsibility to inform the beneficiary about alternatives and issues unknown or invisible to them. Item #4 assures that the fiduciary is not a "slave" of the beneficiary to follow their potentially uninformed and even harmful desires. At the same time, the beneficiary remains in charge of accepting or rejecting the new alternatives and visions presented or induced by the fiduciary, including acceptance or rejection of the entire guidance initiated by the fiduciary. In some cases, the beneficiary's rejection of the fiduciary's guidance might lead to a breakdown of their consensual relationship (item#6).

My search for the academic use of the term "fiduciary" in the context of education has led me to the field of legal studies, including legal studies in education such as sexual harassment, exploitation, curtailing freedom of speech, unfair grading, and so on (e.g., Grierson 2018; Schuwerk, 2003; Standler, 2007; Weeks & Haglund, 2002; Young, 2009). The genre of these articles often involved scholars' discussions of problematic legal cases and court decisions. However, at times imaginary, hypothetical, problematic cases were entertained again from mostly legal and, at times, ethical and moral perspectives. I could not find any *pedagogical* study discussing the teacher-student fiduciary relationship besides my own recent one (Matusov, 2020a). The pedagogical fiduciary relations involve issues of curriculum, instruction, moti-

vation, the purpose of education, forced education, educational assessment, and so on. Here, I decided to follow the genre of legal studies of the teacher-student fiduciary relations by examining the problematic *pedagogical* rather than problematic *legal* or *ethical* cases regarding education. In short, I try to appropriate the *legal* and *ethical* concepts of the fiduciary duty to examine the *pedagogical* teacher-student relationship.

My primary inquiries here are the following. Is the *pedagogical* teacher-student relationship fiduciary or not? If it is fiduciary, what kind of specific pedagogical issues does it present in education?

Arguments against the teacher's pedagogical fiduciary obligations to the student

So far, I have come across three major objections against viewing the teacher-student relationship as pedagogically fiduciary in the way I described above. Probably, the most powerful counterargument to the teacher-student pedagogical fiduciary relationship was famously articulated by the German philosopher Immanuel Kant in his notion of educational paternalism. I recognize two widespread versions of educational paternalism. One is practiced by conventional schooling – I call it “hard educational paternalism.” The other one is circulated among progressive educators – I call it “soft educational paternalism.”

The second counterargument comes from educational institutionalism, obligating teachers to be loyal to the school institution, the state, professional organizations, and educational bureaucracy, which employ and control the teachers, and not to their students. Although undoubtedly, educational institutionalism is rooted in Kantian educational paternalism, I think it has its own flavors, coming from the synergy with other practices and societal demands.

Finally, the third counterargument comes from self-directed education, which strongly opposes educational paternalism. Self-directed education often rejects guidance and the teacher as such unless initiated and controlled by the student. Essentially, it denies the authorial agency of the teacher, which is a pillar of teacher-student fiduciary relations. I consider each of the counterarguments below.

Educational paternalism

According to educational paternalism, education must be foisted⁵ on students together with the imposed curriculum, carefully chosen for the students by educational experts. These educational experts (and educational bureaucrats) also select instruction, organization of the space, time, and relationships for the students. Sven Erik Nordenbo argues that there are four common arguments for educational paternalism: (a) education is necessary, (b) students are ignorant and immature, (c) stu-

⁵ I used the term “foisted” rather than “forced” to include hidden pressures. For example, although higher education is not compulsory (so far) and even students often pay for it (e.g., in the USA), it is often foisted on them by the university demanding what and how the students must study.

dents are unable to choose what is important for them to study, (d) future consent based on the alumni's appreciation of their past foisted education (Nordenbo, 1986). Gerald Dworkin defines paternalism⁶ as “the interference with a person's liberty of action justified by reasons referring exclusively to the welfare, good, happiness, needs, interests or values of the person being coerced” (p. 65) or, in short, “interference with a person's liberty for his own good” (Dworkin, 1972, p. 67). Although, at times, the interests of the society are also cited (Nordenbo, 1986). All these four arguments were developed by Kant in his 1794 famous essay “An answer to the question: What is Enlightenment?” and some other works.

In his defense and promotion of the Enlightenment's focus on rational autonomy as the final human dignity, Kant articulated a paradox of autonomy and paternalism in education (LaVaque-Manty, 2006; von Duyke, 2013). Kant empirically noticed that people's rational autonomy is often suppressed by external and internal forces. The external forces of political oppression must be remedied by political means. The internal forces of people's “self-incurred tutelage” (Kant, 1784) – their ignorance and a lack of rationality, a lack of universal objective reasoning⁷, and a lack of will (“immaturity” in Kant's term) – must be cured by education. Kant saw the purpose of education as fostering the autonomous agency of a student by making the student informed, rational, and disciplined⁸. Since people, especially children, are often “immature,” ignorant and non-rational people⁹ cannot be left to their own devices to decide their education, otherwise “a blind would lead the blind.”

This is why, according to Kant, education must be compulsory – i.e., forced, foisted – along with its curriculum and instruction guided by pedagogically wise teachers. Paraphrasing the famous rhetorical question by Auguste Comte, the founder of positivism, “If we do not allow free thinking in chemistry or biology, why should we allow it in education?” (cf. “research-based education”). In their wisdom and scientific advances, teachers, educational researchers, and society define and impose the curricular content on the students and make sure that all students would predictably arrive at the correct endpoint tested by the universal objective reasoning mediated by exam agencies.

However, according to Kant, education must be based on students' freedom of reason (except in religious education). Teachers must encourage and legitimize the students' use of their reason, however imperfect it might be, and engage the students in collective and dialogic testing of their imperfect reasoning, which under the guidance of the skillful and intellectually honest teachers will lead the students to the correct rational conclusion¹⁰. According to Kant, the authoritarian imposition of knowledge,

⁶ Literally, “paternalism” means “the tendency to treat individuals in the same way as a father treats his children” (Nordenbo, 1986, p. 123).

⁷ Universal objective reasoning leads to the objective truth, existing out-there, independent of the human particular or even unique subjectivity.

⁸ Kant's education is *instrumental* to serve autonomy rather than *intrinsic* having its worth in itself (Matusov & Marjanovic-Shane, 2019).

⁹ Rational people can be also immature, according to Kant, when they cannot enact decisions, they rationally arrived at because of a lack of their will, self-discipline. Reverse can be true as well: mature, self-disciplined, people can be non-rational.

¹⁰ In this sense, Kant's position fits progressive education (LaVaque-Manty, 2006; Matusov, 2021a).

common to many back-then and modern schools, is not legitimate because it impedes the development of reason in the students. According to Kant, having the freedom of reason, students do not have freedom from reason (except in religious education). For him, one of the major by-products of this guidance is the students' growing rationality, which is the basis of their future autonomy and human dignity (Matusov, 2020b).

There are two major strains of educational paternalism: hard and soft. The hard educational paternalism, common for conventional schooling, involves the curricular endpoints (e.g., learning outcomes, educational standards), preset the school authority in advance, at which all students must arrive to be successful. Usually, the hard educational paternalism also prescribes the way of the students' arrival at the preset curricular endpoints. It may not accept Kant's insistence on the students' freedom to reason but, instead, sees the leash-like guidance and the system of rewards and punishments as the main means of foisting education.

In contrast, soft educational paternalism, common to Progressive Education (Matusov, 2021a), argues for rather open curriculum goals selected by the educational authorities – what is important for students to learn – and for more open instruction rooted in the students' own interests. Progressive Education usually affirms the students' freedom of reason, although this freedom channeled by the teacher's guidance must lead to universal outcomes. Education is still foisted on the students, but it is foisted, at least in theory, through manipulation of the students' interests to expand them in such a way that includes the curriculum that the society chose as important for the students. This is how Dutch educational philosopher Gert Biesta, a proponent of soft educational paternalism (in my critical judgment), articulated it:

What is distinctive about education is not learning — which can happen anywhere, with or without education — but teaching. And the basic gesture of teaching is that of trying to catch and direct the attention of another human being—an act of 'turning,' as Plato already describes it in *The Republic*. Authoritarian teaching [i.e., hard educational paternalism – EM] not just wants to direct the attention of students, but also wants to have total control over what students do with what enters their field of perception. Emancipatory teaching [i.e., soft educational paternalism – EM], on the other hand, also wants to direct the attention of students, but leaves it to them to figure out what they do with what they may encounter there. The judgement, and the burden of the judgement is, in other words, on them. The teacherly gesture here tries to say no more than 'look, there is something there that I believe might be *good, important, worthwhile for you to pay attention to*' (see Biesta 2017). And this gesture not just focuses the attention on the world 'out there' but in one and the same 'move' brings the 'I' of the student into play (Biesta, 2020, p. 2).

In soft educational paternalism, although the student can legitimately make sense of the studied curriculum, it is the teacher and not the student who decides what is "good, important, and worthwhile" to study, important for what and for whom.

In my view, paternalism, as such, does not necessarily wrong. There are situations in which paternalism – imaging a person's best interests and acting in these imaginary best interests of the person without the person's consent, can be justified.

Urgent safety and survival concerns come immediately to my mind (cf. Nordenbo, 1986). For example, when I visited South Africa, I was saved several times by strangers who literally pulled me out from the road just before being hit by a coming car. I looked to the left before crossing the road, forgetting that there is a different traffic pattern in South Africa than in the USA. A South African stranger paternalized me by imaging my best interests – not being hit by a car – and acting upon it without my consent. At that moment, I did not need an education. At that moment, I did not need consent. At that moment, I did not even need to be treated as a subject with agency. At that moment, there was no “I” – it was a living object whose life had to be saved from a collision with an upcoming car. “I” was an object and not a subject, and I was thankful that I was treated as such by a stranger as soon as I regained my subjectivity after the violent push back to the sidewalk¹¹. Similarly, in many survival situations and promoting well-being, very young children need paternalism and not education. Therefore, not always education should be prioritized in life. At the same time, this necessary paternalism should not be seen as educational either.

However, as I argued elsewhere, educational paternalism is never educational. Educational paternalism is a misnomer. I recently developed detailed and diverse critiques of educational paternalism (Matusov, 2020a, b, 2021a, b). My major criticism is based on my assertion that the notion of education itself demands that the student define and make judgments of their own education – e.g., I argue that learning becomes educational only when the student, rather anybody else, appreciates it (Matusov 2021b). With its commitment to serving the student’s best interests, educational paternalism contradicts the pedagogical fiduciary teacher-student relationship because it denies the student’s final authority over their own education. It assumes that the teachers know better what and how their students must study, which justifies their relationship’s foisted nature.

Educational institutionalism

In his online legal essay with the rather telling title, “Professor-student is not a fiduciary relationship,” Ronald B. Standler argues against a teacher-student fiduciary relationship by bringing the argument that I would characterize as *educational institutionalism*,

After carefully considering this topic, I conclude that the professor-student relationship is not a fiduciary relationship, because the professor — as an employee or agent of the college — has a fiduciary relationship to the college, not to the student. It would be a forbidden conflict of interest for a professor to have a fiduciary relationship with both the college (i.e., the professor’s employer) and the student (Standler, 2007).

¹¹ However, in his classic work “On liberty,” John Stuart Mill argued against the legitimacy of such paternalism to prevent self-harm: “That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant” (Mill, 1865, p. 21). Based on self-determination as a basic human right, not everybody accepts paternalism even outside of education.

Educational institutionalism prioritizes the institutional functions in defining the practice. Taking aside the fact that Standler's argument might descriptively restate the status quo rather than be normative – i.e., how things are now¹² rather than how they must be – I think it should be taken seriously. Without the doubt that the institutional status quo of the absence of a fiduciary teacher-student relationship is rooted in educational paternalism, discussed above. However, there can be other reasons for educational institutionalism to be considered.

Namely, educational institutions have many functions, some of which are not educational in nature at all. Thus, educational institutions often serve as babysitting institutions for young children, provide a workforce for the economy, promote social cohesion in the society, promise upper social mobility, engage in socially recognized credentialism, help to distribute food for students from poor families, provide physical, social, and emotional safety to the students, involved in healthcare, provide military training, socialize in patriotism and nationalism, nurture civic engagement and democratic participation, brainwash the students into the political hegemony of the day, and so on (Labaree, 2010; Matusov & Marjanovic-Shane, 2016). Most of these schooling functions reinforce and are driven by paternalism – both educational and non-educational – which is incompatible with the teacher-student fiduciary relationship. Thus, education must be disentangled from the paternalistic functions of modern institutional schooling, or, at least, these functions should be limited by creating clear contextual boundaries and prioritizations.

Self-directed education

Many democratic schools emerged after the Summerhill school (UK) (Neill, 1960) or the Sudbury Valley School (USA) (Greenberg, 1991) and certain homeschooling (Llewellyn, 1998) ideologically promote self-directed education when a student has the legitimate right to decide whether, what, when, where, and with whom to study stickily by themselves. They are firmly against any educational paternalism – hard or soft – especially against any foisted education and imposition of curriculum on the students. However, some of these democratic educators go even further by rejecting (a teacher's) guidance as such:

Children do not need to be guided as long as their environment offers opportunities for self-determined development. Guiding children means that they are forced to do things they do not want to do. Guidance is coercion and in most cases an obstacle to the growth and development of children. Children can, of course, ask for advice or for help, but then there is no control. Guidance hinders the development of children and thereby violates the rights of the child (Hartkamp, 2016, pp. 62–63).

I want to end by just saying that Sudbury Valley really is on the cutting edge of an era that recognizes that children do not need guidance anymore than adults

¹² In many Medieval Southern European universities, professors were controlled, hired, and fired by students (Cardozier, 1968; Cobban, 1975).

do in the 21st century. The success of our school, and of our sister schools, and of our graduates for forty-three years are pretty much living proof of that. I've felt for a long time that the courageous parents and students and staff members who for over four decades have been committed to including children at long last among those who are freed from needless coercion, those people deserve our gratitude and admiration (Greenberg, 2011, online source).

Freedom, like peace, is indivisible. It means that you should never influence the choices children make. It's all or nothing. If trust in a child is not absolute, the principle of Summerhill, the principle of free choice, loses all value (Neill, <https://www.youtube.com/watch?v=o58xTHGYzIY>).

With the rejection of guidance, the teacher-student fiduciary relationship is rejected. Guidance is associated by these democratic educators with coercion, control, influence, imposition, and, thus, (educational) paternalism. The only legitimate form of help (arguably, still guidance) must be initiated, sanctioned, and predefined by the student.

I agree with the proponents of self-directed education that it is the student who is the final authority in defining their education (Klag, 1994) and with their strong opposition against educational paternalism. However, I think they go too far, throwing a baby with the tap water. Guidance is not synonymous with educational paternalism. Some influences, impositions, and even control, associated with guidance, can be legitimate and desired by the students (Matusov, 2015, 2021c).

Deep, transformative education involves students becoming different people: their transcendence of themselves, their self-actualization (Matusov, 2021b). It means that they do not only know what to study, but they do not only know what to want because their want is still not there yet. A Russian folklore fairytale, “Go somewhere, I don't know where, bring something, I don't know what¹³” nicely captures the paradox of education. Sometimes students might be trapped by their own educational desires, colonized by the culture and/or their limited past experiences and knowledge of alternatives. Some students might seek a teacher who might help them figure out their authentic educational desire without involving in educational paternalism. Let me provide an example.

Case#1. Unsolicited guidance

In my university classes, my students decide what curricular topics they want to study from the list that my colleagues, teaching similar courses around the world, my past and current students, and I created. In an undergraduate class on cultural diversity in education, one of the popular topics (added to the list of possible topics by a student

¹³ “Поди туда—не знаю куда, принеси то—не знаю что” in Russian. It is the title of a well-known Russian fairy tale. A translation of this fairy tale to English can be found here: http://samlib.ru/k/kaminjar_d_g/tale.shtml; and a full-length Russian animated movie made after this fairy tale can be found here: <https://www.youtube.com/watch?v=U0Ely0bslSqM>. In English, the title of the fairy tale is also known as “Go I know not whither and fetch I know not what”: https://en.wikipedia.org/wiki/Go_I_Know_Not_Whither_and_Fetch_I_Know_Not_What.

in the past) is bullying in education. When I ask my students what exactly they want to study, they often formulate it like this: “How can teachers effectively stop bullies from bullying?” Specifically, they are interested in designing an effective surveillance system and escalated punishments that make bullying too painful for a bully to continue. My students appreciate my help and actively ask me to direct them to sources of such a system and research that validates it. For a while, I did exactly what my students asked me. However, I felt that I was failing them, locking in an educational desire which might or might not be “truly theirs.” I felt like I was a doctor who feeds a drug addict with the drug for which the drug addict craves.

It took me some time to address my pedagogical dilemma. Finally, I developed a survey for my students aiming at exploring the students’ own pedagogical desires with regard to bullying. The survey had one main question: “In my future classroom, as a teacher, I want my future students to say, ‘I don’t want to bully my peers because...’ [choose as many as applied]:

1. ‘...I do not want to be punished by my teacher.’ 8%.
2. ‘... I want to get rewards from my teacher.’ 8%.
3. ‘... I want to be a good, kind, fair, respectful, friendly person.’ 100%.
4. ‘... I don’t want to be treated by my peers as another bully.’ 69%.
5. ‘...I’m afraid my parents would learn about my bullying, shame, and/or punish me.’ 8%.
6. ‘...I know how to handle conflicts with my peers without bullying.’ 92%.
7. ‘...we as a class is not like that.’ 54%.
8. ‘...I’m afraid to violate the class’s rules.’ 15%.
9. ‘...bullying is bad.’ 85%.
10. ‘...grown-up bullies may go to jail.’ 15%.
11. ‘...I’m afraid to be caught by the school authorities.’ 0%.

The following percentages show the popularity of the responses among my students in the most recent class. Please notice that the most popular options (#3,4,6,7) reflect my students’ focus on the morality of the bullying phenomenon and not on its punitive aspect. However, our follow-up discussions of the minority opinions revealed some of my students’ concerns about their future students’ safety, social justice, their own institutional safety, and so on. Many important issues emerged in our classroom and online dialogues, such as: “How can teachers promote morality in their classrooms? Can morality be promoted/taught, or is it innate or a personal choice? How can schooling itself contribute to bullying? Do teachers bully their students? Do administrators, students, and parents bully teachers? Should bullying become a topic of education, and if so, why, when, and how? What about cultural diversity in bullying? Can bullying be good? Will school administrators and parents punish teachers for their students’ bullying? How should teachers address social injustice and pains associated with bullying? Can suppression of bullying – bullying the bully – be justified?” and so on.

Am I pedagogically sounding by introducing this survey to my students when they did not ask for it? Am I pedagogically (softly) patronizing them? Must I only follow their requests and not influence/impose with my alternatives, unknown to my students? Am I contaminating my students with my liberal values? Am I engaged in Biesta’s soft educational paternalism by my “teacherly gesture” pointing my students

at “something there that I believe might be good, important, worthwhile for you to pay attention to”? Let me start replying by considering the last accusation/suspicion.

I agree that Biesta’s poetic metaphor of “teacherly gesture” nicely captures my pedagogical move of pointing my students at something that was invisible to them: namely (i.e., revealed in our discussions), their anxieties of institutional survival (how may school administration and parents denounce them for having bullying their classroom), social justice and sympathy to the victim of bullying, outrage at bullying, and so on, which blinded them from other moral aspects of their desire of wanting them to bully the bully and, thus, continuing the cycle of bullying. However, I respectfully disagree with some proponents of self-directed education that the teacherly gesture per se is the birthmark of soft educational paternalism. The teacherly gesture becomes paternalistic when it is totalized, as Biesta insists, by denying the possibility of students’ self-education. From Biesta’s point of view, without teacherly gestures, students would not transcend themselves and not self-actualize, remaining basically the same people, “Rather than directing [students’] attention and encouraging them to pay attention [at what the teacher feels good, important, and worthwhile], [self-directed learning] offers distraction, perhaps first and foremost by encouraging students to stay with themselves, to pursue their own learning trajectories, regulate their own learning, define their own learning needs, but never interrupted, never turned, never stopped in their tracks” (Biesta, 2020, p. 2). Of course, I disagree with that. In my view, while Biesta totalizes the teacherly gesture, many democratic educators totalize self-directed learning.

It is rather understandable that these democratic educators overdo the rejection of educational paternalism. We live in a civilization where educational paternalism has strong hegemony. Students’ right to define their own education is not recognized and is not legitimized (Matusov, 2020b). Currently, self-education is not recognized in conventional educational institutions and in broader society. However, I feel that in fighting educational paternalism, proponents of self-directed learning go too far by rejecting unsolicited guidance as such.

Democratic educators struggle with defining the role of the Other in self-directed education. They solve this problem by denying unsolicited guidance. However, it is interesting, if not paradoxical, that both A.S. Neill, the founder of the first democratic school Summerhill, and Dan Greenberg, a co-founder of the Sudbury Valley School, embrace the most paternalistic transmission of knowledge, teaching when their students ask for classes (Greenberg, 1991, pp. 15–17; Neill 1960, p. 81). They justify this pedagogical move by saying that the instruction does not matter much when students freely choose to be taught (see my critical discussion of this in Matusov 2015). This was probably also on the mind of the Soviet dentist when he pulled out the ill teeth from Lauren’s mouth without getting her consent in my example above. Lauren also came to the dentist for help and, theoretically, could leave the dentist’s office at any time at her will. In my view, this pendulum swing by some democratic educators between denying the legitimacy of unsolicited guidance and engaging in educational paternalism in the classrooms of students’ choices might reflect their unfamiliarity with the concept of the educator’s pedagogical fiduciary duty to their students, which can help to resolve the struggle these democratic educators find themselves.

Teaching cannot be always or fully sanctioned and consented to by the students because good teaching is improvisational and unknown in advance neither by the teacher nor by the students. It is always based on *conditional* trust that the guidance will be helpful – which may or may not be true at the end of the day. Teaching is risky. Teaching is good only when it is appreciated by the students afterward. Education is neither only about teaching nor only about self-directed learning (Matusov, 2021b). The teacherly gesture and self-directed learning can complement each other and also can exist without each other.

Was my relationship fiduciary with my students in the case above? Mainly with some limitations, I think so. The evidence was in my intention to promote an honest dialogue among my students about their teacherly attitude toward bullying. I did not try to sway my students into accepting my beliefs that morality and not just the utilitarian consequences (i.e., the forceful suppression of bullying) or social justice are important. Instead, I offered my students to consider this issue from a moral perspective and not only from the utilitarian or social justice ones. It was truly up to my students to follow or reject my suggestion, as they were not punished or rewarded. For example, one student who chose almost all options explained that she wanted to create “a safe learning environment” in her future classroom “by all means” even if a child does not commit to doing the right things. In our class discussion, she asserted that it would be OK for a teacher “to bully the bully” if it could prevent bullying in the future. In her reflection on the class meeting, she wrote, “Today’s class was very exciting and I felt the discussion was very good today. ... new things I learned from today’s class were my fellow classmates’ own personal stories of bullying and how that affected them. I also learned how to pick out bullying in different situations and how it can affect everyone. There are so many things I [as a future teacher] need to pay attention. I want to think more about this issue.” Another student wrote, “Something interesting that I learned in class today is that bullying is always non-consensual. Looking back, that kind of seems like common sense, but none of us thought to include it in our definition until we had to decide if boxing [involving intentional harming the other] was considered bullying. The survey was interesting because I realized I want my future students to be good people and not learn to be good only when a reward is in place. Additionally, I found it really shocking that just about everyone in the class either experienced bullying as a bully or victim or was a witness to it. I never really noticed how prevalent it is.” Yet, another student wrote, “We had a very interesting debate regarding how we should teach children not to bully. That we should be teaching children to be good people and have empathy rather than to avoid punishment. I think it is kind of disturbing to think that the only way we could communicate bullying is bad is by saying the bully might be punished.” The students generated many new questions for themselves for their future potential self-directed investigation. In short, my students found my suggestive imposition of the survey challenging their initial pedagogical desire useful, helpful, exciting, and thought-provoking (if not disturbing for some). However, some of my students did not comment about their survey experience in their reflection, and I do not know how exactly I should interpret that: a break of my fiduciary duty to those students, postponement of their appreciation of my unsolicited guidance, or something else.

I see the evidence of my teacherly fiduciary duty to my students in:

1) my pedagogical sincerity to suggest all alternative ideas, unknown to my students but known to me, for them to consider and to draw their own conclusion in critical dialogue if they choose to engage in it;

2) my pedagogical orientation that I did not know in advance how helpful my pedagogical move (the survey) would be for my current students – from the fact that it was helpful to my past students does not mean that it would be helpful for my current students. I was ready to withdraw my unsolicited guidance or change its direction if my students had found it not helpful for themselves;

3) my students' responses of engagement in a critical dialogue about alternative and their own ideas and their appreciation of my pedagogical offer;

4) my students having legitimate freedom not to participate in a learning activity or discussion, leave the class at any moment, choose diverse modes of participation, or change the topic of our discussion at hand;

5) my students' appreciation of my "teacherly gesture" in their reflections on the class meeting;

6) my willingness to raise and address challenging questions about my fiduciary duty: whether my relationship was fiduciary (for whom and to what degree) and whether this fiduciary relationship is good (for whom and for what).

Yet, I want to acknowledge the limitations of my fiduciary duty to my students. My students and I were situated in an institution of higher education driven by hard educational paternalism and credentialism. Although my students had a right not to come to my class, to study by themselves, or not to study at all (Matusov, 2021c), the institutional context still affected our relationships and practices. The class was mandatory for many of them (although they could claim "Prisoner of Education" status in our class and get a desired final grade mark unconditionally). I was their teacher not because they chose me but because I was appointed as their teacher by the institution. Biographically, my students and I were brought together not by our educational desires but by the credential institution. I still struggle to drop a traditional teacher orientation of hovering over my students with insensitive guidance or "important curriculum." Also, my students and I had a long exposure and socialization in such institutions, which also shaped our being together. Thus, later my students reported that it took them some time to relax, trust in me, and understand that they did not need to please me, their teacher and that their ideas, feelings, and opinions were important for their own education; and that their participation in the class discussion was safe. Below, I continue bringing problematic cases to consider whether they were driven by the teacher-student fiduciary relations, to what extent, and why it may be good or not.

Analysis of problematic cases of teachers' pedagogical fiduciary duty to their students

The following two problematic cases of the teacher's fiduciary duty are based on fieldnotes recorded immediately after my teaching.

Case#2. The non-fiduciary fiduciary

For the first time, I am teaching an undergraduate course, “Topics in Education,” for education major and minor seniors. For most of them, it is their last semester before graduation. Many of them were in the process of looking for a job during this semester. Some had teaching practicum.

Before the class started, I developed a Curriculum Map of 11 topics I expected the students to be interested in discussing. By now, in the middle of the 15-week semester, the students added 10 more topics they were interested in studying. The class had the following four pedagogical regimes to choose from by week 6 of the semester (the grace period):

1) Open Syllabus for “self-responsible learners,” where students could make all decisions about their own education: what to study, how, class attendance, grading, and so on.

2) Opening Syllabus for “other-responsible learners,” where I made the initial decisions about the organization of the class and then gradually transferred responsibility to the students. In this pedagogical regime, I pushed the students to study via mandatory assignments, points, and final grades. That was the default pedagogical regime at the beginning of the semester from which the students could switch.

3) Non-traditional Closed Syllabus for credential students who just want to be certified via passing exams and getting the final grade, similar to receiving a driver’s license.

4) Non-Syllabus for “prisoners of education,” i.e., students who were forced to take this class by the university, but felt that the class was unnecessary and painful. They were given a grade of their wish and said “goodbye” to avoid education being a “cruel and unusual punishment” for them (Matusov, 2021c).

Lejan (pseudonym) is a Chinese foreign student who has attended only the first class meeting so far (we are in the mid of the semester now). She is a marketing major and an education minor. When the grace period passed, her pedagogical regime remained the default, Opening Syllabus, but she did not sign it. This Monday, via email, she asked me to meet to discuss what she should study. We just met today.

Lejan asked me to switch to Open Syllabus – she said she did not know (forgot? did not pay attention?) about the grace period, which passed two weeks ago. She also asked me to help her to choose what she should study “for the class.” Her wording “for the class” bothered me because it suggested to me that Lejan was not “a self-responsible learner,” as the Open Syllabus pedagogical regime indicated to me unless it was a wrong choice of her words. I asked her why she wanted Open Syllabus. She replied that she was busy searching for a computer programming job in China (not in marketing, not in education) as she is moving back there in June after her graduation from the university. Also, she told me that she had lost her interest in education (and marketing), but she was ready to do her “*job for the class*.” Thus, the Open Syllabus regime would give her flexibility. I asked her why she was not considering switching to the Prisoner of Education pedagogical regime and just got an A. I reasoned aloud that since she had lost her interest in education, this class was not needed to her, and it might feel like an unnecessary burden (she nodded). Why not choose this option and get out for the course at once?

To my surprise, Lejan replied that she saw herself as “a self-responsible learner” (the wording of the Open Syllabus). That is why she wanted to choose some topics to study in our class. Then, she added, “I want to study... but just not education.” I asked what it would be. Lejan said that she was actually using our course time to study Python, a computer programming language. She asked a computer science professor to audit his course and lab sessions, and he agreed. She said that in the ideal world, she would switch her minor from education and marketing to computer programming. But it was too late to do it institution-wise.

I did not know what to do. I hesitated at first... and then I surprised myself by suggesting to her to make her Open Syllabus about studying Python. Her response was unexpected to me. She jumped and hugged me. I saw tears in her eyes while she was smiling. She exclaimed, “Really?! You can’t imagine how much happy you made me! I was studying Python day and night, but our class constantly bothered me.” I told her that, although I have MS in computer science, I did not know Python, and I could not help her to learn it. She replied that she was OK because she was using other resources for studying Python from the UD [University of Delaware].

She asked me why I was so different than other professors and how I came to this decision. I explained that the most important thing for me is my students’ education as defined by my students. Computer programming and specifically studying Python became her education now, and that was what matters to me. However, I told her that if we had met several years ago, my response would be different – more like other professors.

The remaining time we chatted about her moving back to China and me going to teach at the Hunan Normal University in her neighboring province in Southern China in October. Lejan told me that her successful graduation from an American university – a US diploma might help her find a job on cross-over between marketing and computer programmer in some hi-tech company in China. Lejan shared her concern with me that there is huge gender despair of 10 men to 1 woman in computer programming in China. She worries about how her Chinese male computer programmer colleagues would treat her.

Although my proposal for Lejan was unexpected for me myself, so far, I like it. I remember when I interviewed Nikolai Konstantinov, a founder of democratic math education in the USSR, he told me a similar thing: genuine education is not defined by an academic subject but by helping people “fly” – i.e., authoring their education and life (Matusov, 2017). I think it was “the final exam” for me as a democratic teacher. I passed it... but with hesitation. I wonder if this hesitation reflects the residue of me being colonized by Progressive Education. A Progressive teacher strives to fascinate all students with the subject they teach (Matusov, 2021a).

After our meeting, Lejan submitted her Open Syllabus about studying Python on our class web. Today, “at the end of the semester,” she sent me the printout of a cat using her Python “cat pikachu.py” program.

When I shared this fieldnote with a few of my colleagues, one colleague asked me what if Lejan changed her mind and decided to become an educator, “what does this education course listing mean on this student’s transcript?” My reply was that I do not believe in educational credentials – it is the responsibility of the employer to establish the competence of their job candidates. Another colleague of mine wrote, “Just to add

to all the good comments that have been already saying, I'm genuinely intrigued by Lejan's cathartic response to her own existential 'project' to learn Python being given legitimacy by Eugene, her professor. It's interesting to me how much she's experiencing genuine learning/education from that! It's also a good reminder about how much damage formal educational systems can do to students' enthusiasm for and awareness of genuine learning, let alone the wasted time/effort students spend engaged in 'credential earning.'"

I judge that my overall relationship with Lejan was fiduciary. Lejan engaged in helping her figure out what was the best for her education. By offering her different options and going through them, I helped Lejan make up her mind of legitimately using the course time and reflection resources to study the computer language Python. I reconfirmed to Lejan that she was truly a self-responsible learner.

I wonder how much what happened between Lejan and me was structured by the oppressive nature of the foisted higher education institute we both were part of. Without the educational bureaucracy aiming at credentialism, Lejan could freely move to study computer science without even a need to talk with me and receive my blessing.

It was interesting that Lejan found the development of her Open Syllabus focusing on studying Python useful for her, as she told me in her email later on. She wrote that it helped her to think through the Python topics she wanted to study that semester and kept her organized. Planning the curricular topics and how she would study them made her more and better autodidact than she was before. Also, she mentioned that she deviated from her plan, which she considered to be OK (and I agree – I wrote in the guidelines to the Open Syllabus design that it should not be viewed as “a learning contract” but rather as the beginning of the unpredictable learning journey). At the same time, my fiduciary duty was to resign from being Lejan's teacher because I could not offer her any help in studying Python. I argue that resigning from my teaching duties was in itself the fiduciary duty to Lejan. A part of the teacher's fiduciary duty to their students is to seek one's own limitations and move away from the teacher's responsibilities when needed (see #5 and #6 in my list of defining fiduciary characteristics above).

Case#3. The autopaternalist fiduciary

Is “the autopaternalist fiduciary” a misnomer on several accounts? How can paternalism, limiting the student's freedoms, be self-imposed? How can paternalism, distrust in judgments of the students, can be trusting (i.e., fiduciary)? Please read my problematic teaching case and decide for yourself.

This is our last class meeting in an undergraduate course on urban education. In this class, a practice of a rotating facilitator, leading the class, out of all participants has emerged. It is my turn to be a facilitator today. Another emerged practice in this class is to start the class with the facilitator asking the participants how they feel about their life. I ask Kamila (a pseudonym), who is an African American student very excited about urban education (she chose the Opening Syllabus pedagogical regime):

Eugene: Kamila, what about you? What is interesting [going on in your life]? What's up?

Kamila: About?... [Eugene: Your life] Let's see. I got up at 5:00 AM, so I could go to my internship. Because school starts at seven. I went to Wawa [a convenient local store]. I saw a bunch of busy adults – I was thinking like, “Wow. Yes, this is what my life is going to be soon!” I don't like it that my life starts in the dark. It feels so sad, so empty. I started to eat some snacks. I felt very sad that it's our last day [of the class]. Also, I was hanging on by a thread with all the [school] projects that I've been working on all semester. Um, that's about it. That's the short version. I won't tell you my substory of stress. [Eugene: Well, tell us!].

It's just like projects and papers. Cause I don't have like exams. I didn't have any exams this semester. It's just projects and papers to do — nothing else. I already like got most of them down, but there's just some more like this project in our class, a paper is due, to do some stuff from my residents. Like goodbye, go work with kids. Those are stressful. But like you, take time. Oh, dah! Exciting news! So I'm going to be an orientation leader. So, I'm going to be an orientation leader. [People are applauding]

Eugene: OK, Kamila, let me ask you. If you were in charge of your own education, I don't know... Let's say you are the President of the University [Kamila with sarcasm: Ughu. Yes.]. What will your solution be for this problem that you just described all these school projects and papers that seem to suck the life out of you?

Kamila: Um, I, I don't know what a solution would be. I feel like we shouldn't get so much crap. Like if you happen to skip class or something, I feel like they need to be a bit more understanding of that. And I liked that they had the fall break, which was like a day, but for me, like I need that at least like twice a week. [People laugh] I don't know. I feel like it's just, I need like a day sometimes to unwind, not do anything....

Eugene: This is interesting. This is our last class [in the semester]. It's good to have this conversation at the end of the class. Let me ask you something. You could have chosen Open Syllabus in our class and designed your learning experiences whatever way you wanted to design them. Why didn't you do that?

Kamila: I don't know. And, um, I didn't want to do that. [Eugene: Why?] It's like, I feel like I complained about all the work I have to do, but like it has to get done eventually. And if I don't have a set time for what I need to do things and I'm not going to prioritize or like not going to plan ahead with certain things, I need structure [Eugene: But you don't trust...] in my structure. But like, I mean....

Eugene: So, Kamila. Uh, is it a good summary or not that you don't trust yourself [to follow your own structure]?

Kamila: Um, [Kamila and some other students laugh] I mean, I feel like I play myself in like, you know, I don't know if I would say “I don't trust myself” per se. I think I just, I don't know. I don't want to do this [i.e., planning her own education]. I, I'm trying to understand like, which aspects of my life we're looking at right now. I don't mind, but like, I'm not sure....

OK, Eugene. In our class, it isn't just a school project. This is something I *really* want to study. I want to figure out this crap with the zero-tolerance school policies [the topic of her Main Learning Project she chose in our class]. I think it is the school-to-prison pipeline, but I want to study it as a future school counselor. Suppose I had had my freedom in Open Syllabus. In that case, I might have blown this opportunity away because I'm so stressed out and overwhelmed. Yeh, I distrust myself.... But no, I trust myself to choose the Opening Syllabus with grades and other crap that keeps me focused. I need it. I learned in our class so much because I chose the Opening Syllabus. It pushes me to study. I'm bitching, but I need [Eugene's] structure and coercion. It's just not other classes like ours. In our class, I study what I want to study. But I need a push from you.

Was my relationship with Kamila paternalistic? Yes, I think so. Kamila clearly felt the limitation of her freedom. She felt pressure from her other classes and our class – and specifically from me, as the person who assigned her what to do, backed up by my coercion through grading. Apparently, she felt colonized by “projects and papers” and the end of the semester. As a part of the Opening Syllabus pedagogical regime mainly designed by me for her and other students and she chose, she had to do the Main Learning Project in our class, she had to come to the class, she had to participate in the online forum, she had to design and conduct learning activities at an urban afterschool center, and she was graded on her participation and her Main Learning Project. In my paternalistic pedagogical vision, I asserted that it was good for Kamila.

At the same time, Kamila had her voice together with her peers to choose what we studied in each class by selecting a topic from the Curricular Map and adding a new topic to the Map. She had her say on designing her own Main Learning Project. She could control her grade scores. She developed the learning activities of her choice for the urban children. In the middle of the semester, during our Mid-term Town Hall meeting and at any other time, together with her peers, she was able to revamp the class structure to make it suitable for her needs. Even more, she could have chosen Open Syllabus or other pedagogical regimes for herself.

I think Kamila was right that she was in charge of her own education at the meta-level by delegating certain aspects of it to me. She wanted me to force her to come to the class, to post at least one posting a week on the class online forum, to require her to design and carry learning activities out for urban children in the afterschool program, to assign the Main Learning Project, to provide my feedback on it, and to grade it. My educational paternalism was supported by the punishment-reward grading system co-designed by the credential institution and me. Kamila also had the freedom (autonomy) to choose topics to study in our class, to engage or not engage in class and online discussions, to bring issues, to remain silent, to define her own Main Learning Project, to design her own learning activities for the urban children, and so on. Her consent to my paternalism was conditional and could be ended at any time by her. That is why I judge our teacher-student relationship was overall characterized by my fiduciary duty to Kamila, despite my limited educational paternalism consented by the student. My paternalism was embedded in the overall fiduciary relationship. It was consensual and conditional, Kamila being fully in charge of it. Dworkin concludes that this type of (fiduciary) paternalism is acceptable so long as

the teacher “simply using coercion to enable people to carry out [the people’s] own goals” (Dworkin, 1972, p. 82) and remains under the student’s overall control.

Is this auto-paternalistic fiduciary a result of the oppression of the student by her overall education and life? Would a student who has never experienced foisted education and who is not burdened by the life necessities ask their teacher for the paternalistic fiduciary relationship? Would such a student give their teacher *carte blanche* in the organization of the student’s studies and learning experiences? I think so if the student trusts in the teacher’s subject and pedagogy mastery while not feeling to be ready to embrace the chosen educational journey by themselves or solely with their peers. The practice might be too unfamiliar and/or a master of the practice might be very attractive for the student.

However, oppression – educational and life-wise – creates favorable conditions for educational paternalism. Being traumatized by foisted education, students often lose confidence in themselves as self-responsible learners and find the teacher-student autopaternalist fiduciary relationship attractive. Also, demanding life conditions may not allow students to have resources – time, energy, emotional peace, confidence, instructional materials, access to the targeted practice – for self-directed education.

The five major types of self-education

The three cases of the teacher’s fiduciary duty to their students inspired me to consider different types of self-education. So far, I have come up with the following five major types of self-education. Please notice that I have shifted from the term “self-directed education” to the term “self-education” – the issue I will discuss below. These five major types of self-education can be mixed in different ways or remain pure forms.

Autodidact

The autodidact self-education refers to a situation when an educatee is *solely or near solely* responsible for and provides their own education by deciding whether to study, what to study (or what not to study), how to study, and so on. Autodidact is self-directed education in its most narrow sense. The educatee is the teacher and the learner at the same time for themselves. No other authorial agency except the educatee participates in this form of self-education. There is no or very little negotiation, compromise, collaboration, or submission to another authorial agency about the educatee’s self-education.

This does not mean that the autodidact form of self-education does not involve a dialogue with other people. This tacit dialogue pre-exists, is mediated, and follows the educatee’s study. The educatee responds and addresses other people, learns from books, the Internet, observations, own experiences, experiment, and so on. The birthmark of autodidact is that there is no other agency that can impose on or has to be taken into account by the educatee in designing, organizing, or carrying out the educatee’s education.

Some of my students who choose the Open Syllabus, Credential Students, or the Prisoner of Education pedagogical regimes are autodidact. Even some of the students who commit to the Opening Syllabus may become autodidact, who do not attend the class meetings but study on their own through “Virtual Attendance.” They rarely, if at all, attend our class meetings and apparently do not recognize me as their teacher. The teacher’s fiduciary duty is to recognize the autodidact form of self-education as legitimate and not to stay on the way of the educatee (see Case#2).

Symdidact

The symdidact¹⁴ self-education refers to the educatee’s shaping and engaging in their education *together with more or less equal peers*. In the symdidact form of self-education, the educatee learns with and from the peers and must negotiate with, compromise with, and, at times, subordinate to the peers’ wishes. Occasionally, peers can become teachers to each other, but these roles are usually situational, transient, and dynamic. The symdidact can also be considered to be a form of self-directed education, understood with a broader sense where “self” is collective.

Sometimes, some Open Syllabus students form self-study groups or circles. They also rarely attend our class meetings and do not recognize me as their teacher. The teacher’s fiduciary duty is to recognize the autodidact form of self-education as legitimate and not to stay in the way of the educatees.

Autodidact with advisement

This type of self-education involves an autodidact educatee coming to an advisor, a person whom the educatee conditionally trusts and appreciates for the quality of potential advice the advisor can provide the educatee about the educatee’s self-education. The advisor can provide the educatee with diverse curricular topics for the educatee to choose to study, diverse instructional and informational sources, sources for help, ways of organizing self-studies, and so on. Upon the educatee’s request, the advisor can also help the educatee figure out their educational goals and desires within the contexts of the educatee’s unique and changing circumstances.

Advisement may have diverse forms. It might be a one-time event or have lasted for a long time. It might involve the advisor’s providing information about options unknown to the advisee, or it might be based on the advisor’s questioning the advisee until the advisee figures out themselves the desired solution for themselves. It may be as simple as the advisor’s cheering up and affirming/licensing what the advisee is already doing, essentially becoming a “community behind” (Matusov, 2009) for the advisee.

Case#4: Legitimizing the student’s voice

Once, one doctoral graduate student asked me to help with his “writer block” during his dissertation writing – he could not write his dissertation in “Academese” (a highly

¹⁴ Symdidact means “directed together” in Greek.

structured, typified, and formalized academic genre of writing). I tried to assure him that he did not need to do that – writing in his own voice would be appropriate as well. He could not accept my advice. I suggested writing after his dictation, and he agreed. Thus, I became his scribe, writing diligently after his oral presentation of a fragment of his dissertation findings. When we finished, he read the text with disapproval. He disliked the text based on my transcription of his oral speech. He did not recognize the text as “academic.” He dismissed my praise of the text as coming from an outlier, a “liberal” professor. I suggested that he show the text to “more conservative,” “no-nonsense” professors. When they highly praised the text, he got very excited and started writing “on the wave” by himself – he wrote the first draft of his dissertation of several hundred pages in a week. In this advisement, I helped him to legitimize his own unique and powerful academic voice by professionally backing it up.

The educatee-advisor relationship is always conditional upon the educatee’s appreciation of the advisor’s help. As soon as the educatee stops appreciating this help, they are free to leave the advisor. Also, as a part of the advisor’s fiduciary duty to the educatee, there is the advisor’s recognition that the educatee is the final authority for their own educational actions and not the advisor. The advisor must provide options and help with the educatee’s decision-making without imposing the advisor’s own values, solutions, and views. However, the complexity of the advisor’s fiduciary duty might require the advisor address issues that the educatee might not be able to raise because the educatee does not envision them. I think the biggest challenge of the advisor-advisee fiduciary relationship is when the advisor disagrees with the values behind the advisee’s voice or actions. In this case, the advisor should still support the advisee despite the disagreement or move away from the advisee’s role. In my judgment, the autodidact with advisement form of self-education remains self-directed in its nature.

Odigósdidact

The odigósdidact¹⁵ self-education involves a teacher who guides the educatee. Why is it self-education? It is because the educatee asks the teacher for help and at any time can modify the teacher’s guidance or move away from the teacher entirely. The teacher’s guidance is suggestive and advisory for the educatee and not compulsory.

The teacher has a special role. Unlike the symdidact self-education, the teacher is not equal to the educatee. The teacher’s fiduciary duty to the educatee is to be helpful to the educatee by promoting the educatee’s own voice, providing alternatives unknown or invisible to the educatee, testing the educatee’s ideas, and so on. This help has to be appreciated by the educatee, or the educatee will move away from the teacher (and the teacher will stop being the teacher for this educatee).

Some of my Open Syllabus students attend our class meetings and accept many or almost all elements of my pedagogical design (except grading). They recognize me as their teacher but remain in control of their own education by making my pedagogical

¹⁵ From the Greek words “odigós” – a guide, a driver – and “didact” – to direct. Odigósdidact means directed by a guide.

design and guidance conditional to their approval and modification. Case#1 is a good example of the odigósdidact self-education. The odigósdidact type of self-education is arguably not self-directed because this self-education is directed by the teacher.

Autopaternalism

Autopaternalism is the most peculiar form of self-education. The educatee asks the teacher to force them to study what and how the teacher designs for the educatee. Why is it self-education? It is because the teacher's foist and imposition are freely and conditionally chosen by the educatee and remain conditional upon the educatee's evaluation and approval. The educatee trusts the teacher to guide and force them to study, but this trust is conditional. Autopaternalism contrasts with foisted education when the student's submission to the teacher is unconditional. However, in contrast to the odigósdidact self-education, the teacher's guidance is compulsory and commanding, rather than advisory, backed up with a system of rewards and punishments designed by the teacher (e.g., grades). The autopaternalist self-education is definitely not self-directed.

Those of my students who chose the Opening Syllabus or Closed Syllabus pedagogical regimes for "other-responsible learners" or "credential students" are engaged in autopaternalist self-education. My dialogue with Kamila (Case#3) reflects how those students both demand from me to foist them to study and how they remain to evaluate my guidance, assignments, and learning experiences to decide if they want to keep giving me permission foist them. The teacher's fiduciary duty is to constantly check if the imposed studies and learning activities remain useful and meaningful for the educatees.

The teacher-student fiduciary relationship is limited by the "autodidact with advisement," odigósdidact, and autopaternalist forms of self-education when the educatee comes to the "advisor or teacher" and asks them for help. The autodidact and symdidact forms of self-education do not require having a teacher.

Conclusion: Is the teacher-student fiduciary relationship dialogic or democratic?

Being a democratic dialogic educator, I am curious to what degree the teacher-student fiduciary relationship is dialogic and/or democratic? Russian philosopher Mikhail Bakhtin defined *genuine dialogism* as an eventful meeting of the consciousnesses with equal rights of being taken seriously by each other (Bakhtin, 1999, p. 6). Do the teacher, and the students have the consciousnesses with equal rights in their fiduciary relationship?

On the one hand, based on Bakhtin's definition of genuine dialogism, the teacher-student fiduciary relationship is dialogic. Both the teacher and the student are genuinely interested in each other and in what they say. They take each other and what each says seriously. The fiduciary relationship is impossible without attentive, interested, listening to each other – addressing and replying. When the student stops listening carefully to their teacher, this particular teacher stops being needed by the

student. The teacher stops being a genuine teacher to the student. When the teacher stops listening to the student, the teacher breaks the student's trust and, thus, the student's fiduciary obligations. The student entrusts the teacher to listen to the student in order to inform the student about their blind spots and help to study – an inattentive teacher violates this trust. In the fiduciary relationship, the teacher respects the final authority of the student for their own education and life, while the student respects the teacher's gift and sacrifice of guidance. The fiduciary teacher provides a gift of sharing what the student cannot see on their own – a particular otherness. Here is how I discussed it in my other article:

The part of the social contract between the student and the teacher, the contract initiated by the student, is the student's demand for and trust in the pedagogical otherness of the teacher (cf. Jeff King's commentary, King 2020). The student trusts that the teacher can provide an interesting provocation, interesting alternative idea, interesting learning activity, interesting inquiry, important information that can be unknown to the student, but sensitive for the student's educational needs and helpful for their educational authorship. But this "interesting" and "important" must be interesting and important for the student. The student's educational needs, interests, and authorship are not fully known by the student internally or by the teacher externally. Even more, all of them are dynamic and not static, constantly emerging, and transforming in the student. Even-even more, this dynamism, emergence, and transformation can be inspired by the student's educational authorship and by the teacher's pedagogical authorship. The teacher must help to something (i.e., the student's emerging authorship) that does not yet exist. It is a challenge for educators to support the diverse and changing educational desires of their students. That is why teaching is an art and not technology. The magic of the teacher's pedagogical fiduciary obligation is to be sensitive to something that is not yet there Matusov 2020a, p. SF108).

On the other hand, in the pedagogical fiduciary relationship, the teacher's and the student's rights are not equal. The teacher sacrifices their own interests and inquiries in pursuing the student's ones. For example, in Socrates's dialogue with young Meno, Meno came to Socrates to discuss the virtues' origin. At the same time, Socrates was interested in discussing the definition and nature of virtue. After a back-and-forward struggle, Socrates recognized the priority of Meno's inquiry over his own: since it was Meno who came to Socrates with a question for help and not the other way around (Plato & Bluck, 1961). The teacher serves the student's education and not the other way around. The teacher commits to helping to make the student's unique voice stronger. The student does not have a similar commitment to their teacher. The student attends to their ideas, opinions, values, judgments, inquiries, puzzlements, etc. In contrast, the teacher attends to the student's blind spots and strengths. Thus, the teacher and the student are not equal-rights partners in a dialogue.

While the student is free in the teacher-student fiduciary relationship, the teacher has a special role in supporting and promoting the student's educational authorship. Bakhtin argued that genuine dialogue is not compatible with any social roles but

must transcend them (Bakhtin, 1999). In genuine dialogue, people meet each other as “person-to-person” (“man-to-man”) (cf. Buber, 2000, 2002), naked of any social roles. The teacher’s pedagogical fiduciary duty to the student limits such a genuine dialogue that Bakhtin envisioned. Such a duty creates a particular teacher orientation (Matusov & Brobst, 2013). Any orientation curbs dialogue. In sum, the teacher-student fiduciary relationship is limitedly dialogical.

Is the teacher-student fiduciary relationship compatible with *democratic* education? I define democratic education as such when a student has the right to define their own education: whether to study (or not), what to study, how to study, with whom to study (or even alone), where to study, when to study, and so on (Matusov, 2020b). The litmus test for democratic education is for the student to be able to overrule the teacher (when the student invites the teacher in the first place, of course). One of the teacher-student pedagogical fiduciary relationship principles is for the teacher to recognize that the student is the final authority of their own education (item#3). This fiduciary principle (along with the rest) reaffirms democratic education, in my view. However, it is important to keep in mind that democratic education is bigger than the teacher-student fiduciary relationship because democratic education can happen with peers only (symdidact) or alone, without any teacher (autodidact).

Finally, an external reviewer of a previous draft of this manuscript asked me an interesting question regarding “considerations of the age of the students. There seems to me to be a difference between self-education of children beginning in primary school and students at university level graduating for a profession.” My general answer is that inherently, the age of students does not affect the nature of the pedagogical teacher-student fiduciary relationship because it treats students as unique human beings embodied by their age, gender, socio-economic class background, culture, and so on. However, extrinsically, the pedagogical teacher-student fiduciary relationship may be affected by the students’ age by the external pressures from other, often non-educational spheres, such as legitimate non-educational paternalisms, babysitting, societal legitimate and illegitimate pressures, and so on. Elsewhere, I discussed this interesting issue in more detail (Matusov, 2020a).

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Declarations

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