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Report to the academy: power and ethics in humanities research

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This article discusses a case study to explore notions of academic freedom and freedom of speech in the post-apartheid South African university. The focus is on the 'managerial turn' in university management and in particular its utilisation of ethical regulation in humanities research. I argue that, in the case in question, managerial power mechanisms co-opted ethics into processes of censure and censorship. Ethical regulation in the humanities has been on the increase in South Africa and internationally in recent decades; I posit here that ethical regulation can be used as a managerial power mechanism in the control of research output. This has significant implications especially in the context of post-apartheid transformation of South African universities. I further posit that emergent and risk-taking research open up new spaces for exploration and investigation, and that the benefits of this kind of research must be balanced against possible ethical complexities.

1. Introduction

Debates on academic freedom, freedom of speech and institutional autonomy have, especially in the last two decades, become increasingly significant in South African higher education contexts. Some scholars primarily locate threats to academic freedom in the external agency of the state, and view institutional autonomy and academic freedom as indivisible; others have argued that institutional autonomy should not take precedence over accountability, and that academic freedom therefore should not be viewed as an unequivocal right or privilege by academics and higher education institutions (see Bentley, Habib and Morrow 2006; Du Toit 2000; Higgins 2000; Higgins 2013; Jansen 2006; Jansen 2004; Moodie 1997). A further argument is that some significant threats to academic freedom and freedom of speech are actually being generated from within institutions themselves (Du Toit 2000; Jansen 2006; Moodie 1997).

These concerns are entangled with the difficult processes of transformation of tertiary institutions in post-apartheid South Africa, which have implications for institutional autonomy and perceptions of accountability. They are also deeply entrenched in what Andre du Toit has called 'the ongoing managerial revolution' in the governance of universities, not only in this country but worldwide (Du Toit 2000: 38). From what Du Toit calls 'the ancient forms of collegial academic rule' (Du Toit 2000: 86), Anglophone universities in Britain, the United States, Europe, Australia and New Zealand as well as South Africa have made the transition to 'managerial universities': university governance has become the purview of university administrators rather than academics.

University management in its current form has had to deal with significant changes in the higher education sector, such as increases in student numbers and the number and sizes of universities; significant changes in the economic and social profiles of student populations; developing modes of knowledge production; and the upsurge in the significance of information technology (Bundy 2000: 2, cited in Du Toit 2000: 86; Jansen 2004).

It is not the primary purpose of this article comprehensively to engage with these issues, covered extensively elsewhere (see, for example, Bentley, Habib and Morrow 2006; Du Toit 2000; Jansen 2004; Jansen 2006; Higgins 2000; Higgins 2013; Moodie 1997). This article does, however, address notions of academic freedom and freedom of speech *in relation to* these issues. It does so in the context of recent events related to my own PhD study, which was concluded at Stellenbosch University in 2012. These events are not only related to notions of academic freedom and freedom of speech, specifically in the post-apartheid Afrikaans university, but also to the managerial turn in university management and in particular its utilisation of ethical regulation in humanities research.

In December 2012 I was awarded a PhD degree specialising in music performance from Stellenbosch University. My dissertation, which presented a critique of art music practice in contemporary South Africa, had been examined by three internationally respected scholars[1] and I had successfully defended the research in a *viva voce* examination. On 20 May 2013 the dissertation, which had been electronically available via Stellenbosch University's research repository (SUNScholar) since the awarding of the degree, was put under embargo with restricted access, without my knowledge or consent. It emerged that I had been accused of 'research misconduct' by the head of the Stellenbosch University Music Department, and although I was not provided with an official written complaint until 12 July, I was advised by the university's 'Research Integrity Officer' (RIO) that I would have to appear before a 'research misconduct investigation committee' who would review my case.[2] What followed was a protracted process lasting nearly six months, during which it was determined that I was not guilty of either research misconduct or a breach of ethical research principles. On 4 November 2013, my dissertation was once again made available via the Stellenbosch repository, but in accordance with instructions from the Vice-Rector of Research and Innovation, in a censured and censored[3] version in which certain names or identifiable contexts, mostly related to the Stellenbosch University Music Department, had been blacked out. A second condition for the making available of my work on SUNScholar was that the Music Department be given the opportunity to respond to the thesis in a separate document to be appended to the display of the thesis on the university's repository.

1 The examiners were Professor Henk Borgdorff (Professor of Research in the Arts at the Royal Conservatoire, University of the Arts, The Hague, The Netherlands; current editor of the *Journal for Artistic Research*); Dr Chris Walton (Extraordinary Professor at Stellenbosch University and lecturer at the Basel Conservatory of Music, Switzerland); Professor Marc Duby (former Chair: University of South Africa Department of Visual Art, Art History and Musicology).

2 The HOD's first communication with me via email informed that he believed my dissertation to contain 'serious ethical transgressions' ('*ernstige etiese oortredings*'), and that he had approached Stellenbosch University's division for research integrity to investigate whether *prima facie* indications of ethical transgressions were present in the work. This email was immediately followed by an email from the Dean of the Faculty of Arts and Social Sciences, endorsing the HOD's decision to request the dissertation be investigated; this was followed on the same day by an email from the Research Integrity Officer, communicating the decision to appoint a three-person ad hoc committee to investigate my dissertation.

3 A significant distinction exists between these terms. 'Censure' means to severely criticise or show strong disapproval of something; it can also refer to an official reprimand. 'Censorship' occurs when parts of a document, book, film or other such medium is officially supressed or has parts thereof removed. In the case of my PhD study process and dissertation, both censure and censorship played an important role; I have endeavoured throughout this article to distinguish between rather than conflate the two terms and use them separately or in conjunction depending on the context.

This article uses the events described above as a case study to examine ways in which managerial power mechanisms can co-opt ethics into processes of censure and censorship. I will argue here that when such misuse of ethics occurs, it presents possible threats to academic freedom and freedom of speech; in a context of transforming post-apartheid universities, I further posit that when ethics are used to curb institutional critique, it is done to the detriment of the South African transformational agenda. In order to set up these arguments, I would like to engage here with two particular questions: why was it deemed necessary by members of the academic community as well as university management to investigate and ultimately censure and censor this work? And: what process was followed in order to enable this censure and censorship? The first question addresses the content of the dissertation and has to remain speculative to the extent that the motivations of others can only ever be partly surmised and construed; the second question concerns the process that led to the censoring of the document.

I report on the specifics of my situation here not in an effort to indulge in the subjective re-telling of a personal experience, but rather with the aim of using a case study, of which I have first-hand experience, to articulate and formulate issues of broader interest and import. Although my particular situation could perhaps be read as a singular occurrence, I do believe the events related to the investigation, censuring and censoring of my PhD dissertation have the potential to expose general fault lines in our current academic landscape that have implications beyond my own experience.

2. The dissertation

I chose to embark on my PhD studies at Stellenbosch University in 2009 after communicating with the then head of the practical staff at the institution. This lecturer encouraged me to consider a new degree offered by the university: a so-called 'integrated PhD', where research and performance would be combined in a single project. Even though at the time some South African universities were offering a so-called DMus degree (discussed in more detail below), Stellenbosch University's interpretation of the South African Higher Education Qualifications Sub-Framework (HEQSF) published in the Government Gazette on 5 October 2007 excluded the awarding of DMus degrees. The 'integrated PhD' was developed in order to comply with the institutional planning objectives of Stellenbosch University while simultaneously facilitating a degree structure that allowed for practical and academic components.

I was excited by the idea of an integrated doctoral degree, particularly as I believed my needs and interests as both a performer and academic were not well

served by the kind of DMus degree offered by some South African institutions at the time.[4] The essential difference between these approaches (sometimes, but not always, related to different nomenclatures such as PhD and DMus) is that in the case of the standard DMus degree, the degree is constructed of separate examinations of practical work in the form of performances, and an unrelated or tangentially related mini-dissertation. Put differently, the performance and theoretical aspects of the study are not necessarily integrated, or the degree of integration is superficial, and practice and research are understood and examined as separate entities.[5] In contrast, the Stellenbosch degree for which I registered was described in the university calendar as follows:

> Doctoral degrees in the arts are research degrees culminating in a dissertation. The study as a whole can consist of theoretical work, or it can be the result of an integrated study of the creative processes and theoretical work that are reported in the dissertation. The unique nature of the integrated option is derived from the coherence and interdependency of the study of the creative processes and theoretical dimensions of the research leading to an original contribution to knowledge of and insight into the arts. All material presented for the dissertation, including the creative work, should be in a format that can be archived and thereby be available to other users. Assessment: Dissertation, oral and, where applicable, practical examination. The dissertation is examined according to the procedures of the University for advanced degrees. *All the material presented for the dissertation, including the creative work where applicable, is assessed as a single whole by the examiners* [own italics],

4 In 2009, DMus degrees where practical and theoretical work was examined separately included the University of Pretoria, Northwest University, University of Cape Town and University of the Free State. The latter two institutions have subsequently altered their doctoral specifications, and now insist that a link be shown between practical and theoretical work. The University of Pretoria still offers a DMus degree as described above, although the institution will likely have to phase out this programme in order to comply with the HEQSF, revised and released by the Council for Higher Education (CHE) in 2013.

5 The revised HEQSF released by the CHE in 2013 makes provision for a 'Professional Doctorate'. This type of degree requires 60% of the submission to be constitutive of research; 40% of the submission may be devoted to 'practical work'. Funding implications for this division remain as yet unclear, although it is expected that the research and non-research components of this degree will receive different degrees of funding. In August 2013, when the CHE first introduced the possibility of a 'Professional Doctorate' to universities, no institution indicated willingness or desire to develop such a doctoral programme (even though, arguably, this model could allow for the development of DMus degrees that comply with the 60/40 division). I am grateful to Professor Jan Botha of Stellenbosch University for sharing this information with me.

> who are appointed according to the normal procedures of the University. Details of the examination process may be obtained from the Department. [6]

I was attracted to the idea of an integrated degree offered by Stellenbosch University and promoted by the staff I consulted (practical and academic), although at the outset of my degree process I did not fully comprehend the intellectual, artistic or practical implications of such an approach. Although the Music Department at Stellenbosch University seemed unaware of this, their own description of the 'integrated' PhD resonated strongly with what I would soon discover was an emerging type of research that had been receiving considerable attention internationally: practice-based research, also referred to as practice-led research or artistic research. These different terminologies (not used in the Music Department before my own work introduced these terms to that context) are used to describe similar approaches in terms of the combination of practice and research in single study projects (see Borgdorff 2007; Borgdorff 2012; Busch 2009; Cobussen 2007; Schippers 2007; Sligter 2007).[7]

The place of practice-based and artistic research in creative and performing arts disciplines at tertiary institutions has been receiving considerable attention internationally, and will not be dealt with again here (see Borgdorff 2007; Bordorff 2012; Cobussen 2007; Conquergood 2002; Nelson 2006; Sligter 2007; Stolp 2012 (a); Stolp 2012 (b)). What is central to the current chapter, however, is the understanding that this type of research and the debates around its application in doctoral studies are not yet receiving significant enough attention in South African tertiary music education discourse.[8] This has caused major complications for students (such as myself) who enrolled for the Stellenbosch degree.[9] I believe

6 It is worth noting that the inscription in the hard copy of the 2010 Yearbook differs from the information on the University website in 2010. The website reads: 'DMus (Performance): The programme consists of five public performances of 60-75 minutes each and a dissertation. The dissertation and the creative component are assessed as a whole.' The insistence here on a specified number of performances as well as the time-spans of each performance seemed to me at the admissions phase to be contrary to the idea of 'integration', a point that is discussed in more detail in the main text.

7 I attempted to from the outset situate my PhD project within the tenets of practice-based research (PBR); this was a conscious decision, and not necessarily the only way an 'integrated' degree can or should be approached. As will emerge later in the article, I was confronted resultantly with two complications simultaneously: the limited engagement with PBR in South Africa, as well as the lack of guidelines for the SU 'integrated' PhD.

8 Other departments in creative and performing arts fields in South Africa, such as Drama and Theatre, have been involved with the PBR debate for some time (see for example Fleishman 2006-2008; Fleishmann 2009).

9 To date, five students (including myself) have completed the degree.

the novelty of the type of degree I had enrolled for in 2010, as well as discrepancies in the understandings of the construction and outcomes of this degree within the Stellenbosch Music Department among members of staff, not only had direct bearing on the events described in this article but also that these differences actually exposed ideological and intellectual fault lines in the department and the discipline at large (rather than being merely indicative of personality clashes).[10] The general resistance to the innovative and novel aspects characteristic of the integrated PhD could be interpreted as indicative of resistance to transformation both at disciplinary and education-political levels in South African music academe and more broadly. This is important to understand, for the ideological issues at stake lend a different import to the decision of Stellenbosch University to evoke and act upon an ethics enquiry leading to the censure and censorship of my work.

Staff members at South African tertiary level music departments who have historically specialised in practical work rather than research have been under increasing pressure in recent years to complete doctoral degrees. Unlike other arts disciplines, where engagement with contemporary critical theory and thinking is indispensable to artistic work, the conservatoire-like environments historically cultivated at South African university music departments are predominantly staffed by musicians who often have little or no experience of research or peer-reviewed academic work. It seems reasonable to surmise that, in this context, DMus degrees that require practical work (examined as individual performances only and not as integrated with academic research) and a smaller scale dissertation or thesis (of more limited scope and scholarly ambition than is typically required of a full PhD dissertation), constitute attempts to address the anomaly of the practical musician as university scholar.[11] It is important to note that PhDs generated in the PBR paradigm generally *are* comparable to 'traditional' PhD dissertations in terms of scope and content; recently completed PBR doctoral

10 An interesting tension emerges here between the *managerial* decision to develop an 'integrated PhD', and the academic viability and value of this type of degree. Even when not approached explicitly within the paradigm of PBR or artistic research, the idea of integration of practical and academic work in doctoral degrees has been convincingly argued for in academe internationally. Although it may indeed be the case that the origins of the decision to develop an integrated PhD at SU were managerial rather than academic, I would argue that the academic viability of this type of degree ultimately outweighs the managerial implications. Henk Borgdorff in particular makes a strong argument to this effect (Borgdorff 2007, 2012).

11 Admittedly, this is partly a managerial anomaly, created by a structure that expects all members of staff in widely divergent disciplines to conform to certain kinds of productive behaviour that can be measured in the same kinds of ways. But the anomaly is also one inherent to music as a university discipline, where there seems to be no expectation that musicians working in universities should *also* be doing different kinds of things in different kinds of ways to musicians not attached to universities and who follow concert careers or write music for a living.

degrees from Leiden University in Holland and the Queensland Conservatorium at Griffiths University in Australia provide strong examples (see Scott 2014; Cancino 2014; Penny 2009).

On 15 October 2009 Prof Jan Botha, the Senior Director of Institutional Research and Planning, issued a memorandum entitled '*Interpretasie van Senaatsbesluit insake doktorsgrade in die kunste*'[12] which communicated Stellenbosch University's official point of view on the integrated doctoral degrees to the Music Department. In this memorandum Botha made it clear that Stellenbosch University's degree was based on an interpretation of the South African HEQSF published in the Government Gazette on 5 October 2007. Accordingly he made it clear that the *integration* (his emphasis) of creative processes and theoretical work was a requirement for the degree, as well as the *coherence and interdependence* (his emphasis) of the creative processes and theoretical dimensions of the study. These aspects had to find expression in the formulation of the research problem guiding the study. Botha also made clear that, since its 2008 decision, Senate had understood these principles to apply to a doctoral degree in music, irrespective of its name (DMus or PhD).[13] Thus a degree comprised of clearly distinct performances that are not integrated with a larger scholarly project has never been offered by Stellenbosch University, a decision justified by Senate in terms of the HEQSF requirements.

It seemed clear from the outset that divergences existed between members of the Music Department in conceptualisations of the content and scope of the integrated degree. The original departmental guidelines for the completion of the integrated degree provided to me early in 2010[14] seemed in conflict with the Stellenbosch University calendar description, for example. I opted to follow the latter, as it was the description approved by Senate (unlike the departmental guidelines) (see Stolp 2012 (a), 48; Stolp 2012 (a), 107). This decision was supported by my academic doctoral supervisor and vindicated by the Faculty Research Committee, who approved my proposal despite the objections and withdrawal of three Music Department members from my doctoral Admissions Committee. The decision of the Admissions Committee to forward my proposal

12 Interpretation of Senate decision regarding doctoral degrees in the arts.

13 In the memorandum Botha wrote that although the name of the degree subsequently changed from DMus to PhD, this was immaterial to Senate's understanding of the kind of degree approved. He wrote: '*Slegs die naam verander. Die graadvereistes bly dieselfde.*' (Only the name changes. The degree requirements remain the same).

14 These guidelines stipulated a thesis of 40 000 words and solo public concerts consisting of: performances of three approved programmes with a duration of 60-75 minutes each (open to the public); performance of the solo part of an approved concerto (open to the public); performance of an approved chamber music programme of 60-75 minutes.

to the Faculty Research Committee in the light of this deadlock was followed by the almost immediate resignation from my study by my two practical promoters.

These events could imply that even though the Music Department had approved its own calendar entry stating its adherence to one kind of degree satisfying the university's requirements for artistic and academic integration, it had not engaged comprehensively with strategies for implementation of this kind of thinking. It could further be understood to indicate resistance to transformation at the disciplinary level: rather than embracing a new approach to music research and practice, members of the department seemed invested in resisting transformation and change. No new internal guidelines for the integrated degree were provided during my study process. As my proposal had entailed disputing and rejecting the internal guidelines as contradictory to the stated description of the degree, I was very keenly aware of this continuing deadlock. It meant that my degree process was not only fraught with the tensions of an ongoing dispute – which led to withdrawals from my Admissions Committee and my research project – but that its outcome was potentially to set a precedent and decide the argument one way or another.[15]

There has been mounting pressure on South African universities and particularly humanities faculties to increase their research output as well as throughput of postgraduate students (Boughey 2003; Jansen 2003; Jansen 2004; Mouton 2007). In a discipline such as music, where practice plays a major role, research output and postgraduate numbers (especially at the doctoral level) have historically been lower than at other humanities disciplines such as for example psychology or philosophy.[16] In South Africa, where significant government subsidy is awarded according to research output (publication) and the graduation of postgraduate students, it is understandable that traditionally expensive music departments are expected to comply with the demands of these funding structures. It is possible, however, that these kinds of changes hold the promise of a future so different to the present that they have not been embraced with equal commitment by all members of the university sector. By embarking as I did on a new type of degree process, I had hoped to play a role in the transformation of music as a

15 This is indeed what happened: internal guidelines were finalised shortly after my study was completed, at a meeting of 15 November 2012. These guidelines were officially accepted early in December 2012.

16 A survey of PhD degrees awarded by Stellenbosch University between 2003 and 2009 show, for example, that 21 doctoral degrees were awarded in the Psychology department; 12 in the Philosophy department, and 2 in the Music department (these figures were collected from the Stellenbosch University 'Fact book', available online at http://sun025.sun.ac.za/portal/page/portal/Administrative_Divisions/INB/Home/Fact%20Book).

university discipline and the prevalent approach to doctoral studies in this sector by setting a precedent for doctoral degrees in music where practice and research could function together in an integrated whole. Such transformation would also serve to align South African music academe more closely with international developments in practice-based and artistic research. The fact that this approach was met with resistance rather than enthusiasm (evident right from the start of my work and not only in the censure and censorship thereof) exposes some of the challenges of transforming South African tertiary institutions, particularly at the level of curriculum and course design.

Apart from these tensions (created, arguably, partly as a result of education politics), the content of my research also provided grounds for dispute. The topic of my PhD – *Contemporary Performance Practice of Art Music in South Africa: A Practice-based Research Enquiry* – dealt with contemporary South African art music performance practice[17] and the social function I believed it to fulfill. I suggested in my dissertation that art music practice in contemporary South Africa has been and has remained a cultural territory largely inhabited by white South Africans, and that this practice continues to have intense ideological significance for the white minority long after its loss of political power. I argued that this practice has shown little transformation since the end of apartheid in South Africa, despite the political, social and cultural transformation that has been taking place in the country since the beginning of democracy in 1994. The research design eventually comprised five 'performance projects' that were conceptualised to interrogate what I believed to be pertinent issues in contemporary South African art music performance practice, and to push the boundaries of this practice in its current form. Recordings of the performances and the knowledge gained through these performance projects were presented together with theoretical work and the results of research in the dissertation.[18]

My own position as a performing artist in South Africa suggested most of the research questions and problems dealt with in the dissertation. Although not initially conceptualised in this way, my critique of contemporary performance practice of art music in South Africa became entrenched also in a critique of the institutions within which art music is ensconced, specifically the institution where I was conducting my PhD studies. Institutionalised music practice constitutes a

17 'Performance practice' was understood to indicate three 'role players' in art music: performers, composers and audiences for art music.

18 The recordings were made available to the examiners, but were not made accessible via the research repository. This was done to avoid possible infringements of Intellectual Property rights, as some of the recordings were of performances that formed part of the Stellenbosch University Endler Concert Series.

significant part of art music practice in South Africa, with many active performers maintaining teaching positions at tertiary institutions, and several permanent ensembles being funded by universities.[19] My concerns with transformation, inclusivity and accessibility articulated in terms of art music performance practice generally, became core concerns with institutionalised art music practice at universities specifically.

The institutional critique presented in the dissertation dealt with issues such as a perceived lack of institutional engagement with contemporary art music repertoire (at curriculum level, as well as in terms of concert programming); inadequate support for new music by South African composers; and limited exploration of contemporary art practices such as conceptual art, improvisation, intermediality and transdisciplinary work. An attempt was made to address these perceived issues by performatively engaging with them: performing music seldom (if ever) heard in South Africa (especially in concert offerings of institutions such as Stellenbosch University); collaborating with South African composers in the creation of new works; designing a project with a filmmaker and composer that explored intermediality; performing a new South African work on the station concourse of Cape Town station. The performances reported on in the dissertation were conceptualised and executed in order to explore and confirm the institutional critique that acted as driver for the research.

I believe that both the institutional critique articulated in my PhD dissertation and the fact that the research was clearly an active participant in disciplinary struggles within the department, were catalysts for the events surrounding the investigation and eventual censuring and censoring of the work. The symbolic victory that the thesis had been successfully completed and the degree awarded in the face of institutional resistance, thus opening an opportunity to more students interested in doing this kind of research, could be countered by the censure and censorship of the work and the deeply distressing 'ethics enquiry', which could well act as deterrent to critically minded students in the future. This point will be further explored in the next section of this article.

It is important that the criticisms provided in the dissertation be read in the context within which the document was created. The strengths as well as the weaknesses of the dissertation arose from the unusual position in which I found myself during this degree process. I had chosen to situate my research within the tenets of PBR, a type of research which at the time had no significant

19 Some examples include the Odeion String Quartet (University of the Free State); the Potch Trio (North-West University); the Wits Trio (University of the Witwatersrand); Stellenbosch University Symphony Orchestra; Stellenbosch University Camerata; Stellenbosch University String Quartet; University of Pretoria Symphony Orchestra.

place in South African music academe. This meant that I was embarking upon a 'new' type of study without South African precedent in an environment where little engagement with the discourse on PBR was taking place, and I had to effectively 'study' the type of research I would be pursuing, even while pursuing it. Furthermore, the very terms of the integrated degree were contested within the Music Department to the extent that no guidelines were tabled until after the conclusion of my degree process, and I had to defend my choices about how I understood the degree without much guidance from the department beyond that provided by my supervisor. Experiencing what I perceived to be resistance to my study early in the process caused me to feel isolated to the point where I was unwilling or unable to confront those I felt were resistant to my approach. As a result of these circumstances, the dissertation included much subjective and often autobiographical information;[20] what was lacking in the document, however, was evidence of a comprehensive engagement with those members of the Stellenbosch University Music Department who felt uncomfortable with the topic and scope as well as the general method of my research. This aspect of the dissertation, although commented on by the examiners, did not lead them to a negative conclusion regarding the overall scope and content of the work, and no recommendations were made to reframe or rethink the institutional critique included in the dissertation. The examiners commented that they felt the work I had done was 'brave': from their reports as well as discussions during the *viva voce* examination, it seemed clear that they recognised the degree of institutional pressure that I had been under during the study process, and that they felt I had dealt with it convincingly.

Although I was well aware that the content of my dissertation was controversial, I felt an ethical imperative to risk addressing certain issues that I believed were pertinent in South African art music culture. I also felt strongly committed to exploring a new type of research and to demonstrate its possible uses in doctoral studies in music. The final thesis was the result of exploration, investigation and consideration of key issues, amalgamated in a document meant to be critically examined and responded to in the scholarly realm. Removing it from that realm by imposing an embargo on the document and subjecting the work and its author to a protracted investigation process did not, in my opinion, serve a scholarly

20 This resonates with an autoethnographic approach, although it was not delineated as such in the dissertation. The approach followed in this study was situated within tenets of phenomenology: personal, subjective experience was viewed as the starting point to articulate new insights on art music performance practice in South Africa. The decision was made to include sections of text written in the first person and presented in an alternative typescript in the dissertation; this was done to separate these sections (the tone of which was more personal than other material in the document) from the rest of the academic offering.

purpose, as the eventual puzzling outcome – a blackening of names from the thesis after a not-guilty finding – seems to prove. If not scholarly, what then could be the purpose of these actions undertaken by Stellenbosch University? The next section deals with this investigation process and some possible implications and interpretations thereof.

3. The process

The investigation process into my PhD dissertation was instigated after a complaint was received by the Stellenbosch University RIO from the head of the Music Department in May 2013 (the dissertation was embargoed on 20 May). I was first made aware of the problem by my doctoral supervisor, who was informed on 26 May of the embargo on my work by a student who had unsuccessfully attempted to access the dissertation via the repository. Although he immediately informed me and started to make enquiries, we only gradually started to piece together the full picture of what had transpired; I was notified of the complaint by the HOD of Music on 28 May 2013 in an email that included the Dean of the Faculty of Arts and Social Sciences, the RIO, the Senior Director: Research and Development and my PhD supervisor. On 11 June 2013 I received from the RIO (again by email) the first official notification of the complaint and the investigation that was being initiated.

The HOD of music's first email to me referred to 'ethical transgressions' in my dissertation; this was immediately followed by a response from the RIO, informing all parties that a three-person 'ad hoc committee' would be appointed 'as quickly as possible … so that this matter can be speedily brought to a conclusion' (quoted from the email correspondence). This committee was referred to in subsequent communications as the 'Research Misconduct Investigation Committee' (RMIC). Upon officially notifying me of the complaint and the investigation procedure, the RIO also provided me with a copy of the 'Stellenbosch University Procedure for the Investigation of Research Misconduct'. It is important to note that the response to the HOD's complaint of 'ethical transgressions' referred to *research misconduct* and I was provided with documentation of procedures designed to deal with the latter, rather than with ethical issues.

The policy document for the investigation of research misconduct (Stellenbosch University 2011) specifies a procedure that must be followed in the event of an accusation of research misconduct being made. In my case, the RIO deviated from this procedure in several important ways, among them not meeting with me in person before appointing the RMIC, and failing to provide me with an official written complaint until the process was months under way. In spite of these failings (which both my doctoral supervisor and I had pointed out in written communications with

the RIO, her direct line manager the Senior Director: Research and Development and the Dean of the Faculty), the university structures charged with administering the process refused to acknowledge that mistakes had been made and the investigation procedure went ahead. This is important, because it points in this case to the unaccountability and impunity of the *managerial* structures tasked with the oversight of research integrity. This, in turn, exponentially increases the risk of manipulation of the oversight mechanism for ends other than those intended.

It is clear that from the outset issues of *ethical impropriety* and *research misconduct* were being conflated in this investigation process. The official documentation (approved by the Stellenbosch University Senate in 2011) which was provided to me at the beginning of this investigation process referred to 'research misconduct', which, according to the university policy document, denotes fabrication and falsification of data as well as plagiarism. However, the language used by the complainant and those driving the investigation process (the RIO, Senior Director of Research and Innovation and eventually the Vice-Rector of Research and Innovation) increasingly moved into the realm of ethics.[21] An analysis of the extensive email correspondence between myself and these individuals reveal how the language of my interlocutors shifts between 'ethically questionable research', 'serious ethical transgressions', 'ethical misconduct', 'crossing ethical boundaries of academic scholarship' and 'breaching of ethical principles' leading to 'compromising the integrity and reputation of the music department'. Not once is specific reference made to possible instances of plagiarism, falsification or fabrication. The Vice-Rector for Research and Innovation titled his final official document in this matter: 'Investigation of an Allegation of Breach of Principles of Ethical Research involving a PhD Thesis'; no mention was made of 'research misconduct'. I was also never provided with documentation specifying what Stellenbosch University understands the principles of ethical research to be.

By conflating issues of 'research misconduct' and 'ethical research principles', university *managers* responded to *academics* who were resistant to critique articulated in PhD research; using ethics as a managerial tool, they then proceeded with the censuring and censoring of this PhD research. In the final official document provided to me by the Vice-Rector for Research and Innovation, he states:

21 Stellenbosch University accepted in June 2013 a policy document entitled 'Policy for Responsible Research Conduct at Stellenbosch University' (Stellenbosch University 2013), with the stated purpose 'To promote and ensure research integrity and the ethical conduct of research'. This document was not considered during the course of the 'Research Misconduct Investigation Procedure' to which I was subjected.

> Although the SU procedural document is titled "Procedure for the investigation of research misconduct" (which traditionally refers to *data falsification, fabrication or plagiarism*) the brief to the research misconduct investigation committee has referred to an allegation of the breach of ethical research principles. The report therefore also makes specific mention of the fact that data falsification, fabrication or plagiarism was not found, and that the respondent is therefore not guilty of research misconduct as understood under the traditional definition. I would like to confirm that the redrafting of the institutional procedure to allow for a wider interpretation of its purpose is currently underway.

The Vice-Rector admits two things here: a charge of research misconduct was adapted to an allegation of breach of principles of ethical research; and a brief different to that allowed for by the Procedure for the Investigation of Research Misconduct was provided to the investigation committee, whose investigation conformed to the indications of that brief rather than the specifications of the Senate-approved document. Even though I was found not guilty of either research misconduct or 'ethical transgressions', the final sentence of this statement suggests a commitment on the part of the institution to increase the operational scope of its functionaries, rather than to prevent a repeat of these events by holding those responsible for its various systems failures to account.

It would have been possible for me to withdraw from the investigation procedure before its conclusion: I was being charged with something for which no approved investigation procedure existed, and for which no clear definitions were provided; deviations from accepted procedures had occurred to the extent that any outcome of an investigation would arguably be legally invalid. Two separate issues, research misconduct and research ethics, had been conflated and the essential differences between them disregarded. Research misconduct can be investigated and proven or disproved by referring to clear parameters: fabrication and falsification of data, and plagiarism of another's work. Ethics, on the other hand, is a much more complex field, one without clear bounds and obvious definitions. Conflating these issues allowed the university to use an existing protocol, designed for very different applications, to intimidate and ultimately censor and censure academic work under the rubric of 'ethics'. I will further elaborate on research ethics and ethical regulation generally later in this article.

My decision to continue taking part in the process was motivated by a strong belief that my work should be accessible to readers and that the embargo on the work be contested. Second, I believed the circumstances around this investigation could open up important debates. One such debate relates to what is my concern in this article: ethical regulation, and its possible use as a power mechanism in the

control of research output in the humanities. At this point I momentarily leave the specifics of this case study to consider the broader context of ethical regulation in the humanities.

4. Ethical regulation in the humanities

This article deals with issues of academic freedom in South Africa in a post-apartheid context. It presents the argument that the 'managerial turn' (Du Toit 2000) in university management has opened the door to the utilisation of ethical regulation in humanities research as a control mechanism, used to repress criticism and institutional critique. In post-apartheid South Africa, where there is an imperative particularly for transformation of universities, I argue here for awareness of the potential for abuse of ethical regulation as an instrument used to curb critical scholarly work. Similar arguments have been made by international scholars, particularly in terms of ethical regulation of research in the humanities.

There has been a marked increase in ethical regulation particularly in the humanities over the last two decades. Some scholars have attributed this to what Andre du Toit has referred to as an 'ongoing managerial revolution' at South African universities, 'reflecting global trends in Higher Education' (Du Toit 2000: 38). One result of this shift from 'collegial academic rule' (Du Toit 2000, Moodie 1997) to managerialism has been an increase in the bureaucratisation of academic life; the rise in prominence and power of ethical review boards and other managerial systems involved in the regulation of research ethics can be understood against this background.

Several scholars have argued that the rise in ethical regulation in the humanities should be viewed with caution (see Cribb 2004; Dingwall 2008; Guta et al 2013; Haggerty 2004; Nixon and Wilson 2013; Schrag 2011). Kevin Haggerty identifies a global increase in ethical regulation of research in the humanities, and refers to this phenomenon as an 'ethics creep' (Haggerty 2004): a system of pre-emptive and post-fact ethical regulation that is becoming a major threat to research in the humanities and social sciences. This type of regulation has been transplanted to the humanities from the biomedical sciences, where ethical regulation became significant in the aftermath of the Holocaust and the Nuremberg trials (see Dingwall 2008; Jacob and Riles 2007; Resnik 2009); the adoption of ethical regulations in biomedical research has by now become standard practice in most institutions worldwide (Brody 1998; CIOMS 2002; McCrary et al 2000; Steneck 2007). However, scholars like Dingwall, Haggerty, Schrag and others point out that research in the humanities, with the exclusion of research in psychology or research that involves minors or at-risk individuals, seldom involves irrevocable interventions or is likely to cause harm *to the extent* that these things are possible

in biomedical research (see also Gunsalus et al 2005; Hamburger 2004; Jacob and Riles 2007). This raises the question of why ethical regulation in the humanities has been on the rise, if not in response to evidence of serious harm being done through research practices.

Ethical regulation in the humanities has been on the increase especially in Anglophone universities over the last two decades. Although institutional review boards concerned with research ethics have been present in the United States since the 1970s (Haggerty 2004: 393; Hamburger 2004), their involvement beyond biomedical research within humanities and social science research has been on the increase especially since the 1990s. In the United Kingdom, the Economic and Social Research Council created a 'Research Ethics Framework' in 2005 which received severe criticism from especially social science researchers. The policy was met with disapproval because of its strong indebtedness to biomedical ethics regulations and its lack of engagement with issues specific to the humanities and social sciences (Dingwall 2008; Stanley and Wise 2010). Analogous policies, frameworks and review boards have also been instituted at Anglophone universities in Australia and Canada (Dingwall 2008: 4). In 1999, the Australian government's main funding body for research issued a 'National Statement on Ethical Conduct in Research Involving Humans'; in order to comply with this statement, all research proposals now have to be submitted to an institutional human research ethics committee (Cribb 2004: 41). Susan Dodds points out that the language and format of and examples provided in this document were drawn exclusively from medical and behavioural sciences, making few if any allowances for problematics particular to the humanities (Dodds 2000).

Developed according to the Anglophone university model, South African universities have undergone developments in research ethics similar to those in England, Australia and Canada. The establishment of research ethics committees at South African universities has occurred mainly since the early years of this century. Some, such as Rhodes University, have a single committee (advised by department heads and deans) that oversees all research involving humans, both medical and non-medical; others, such as the University of the Witwatersrand, University of Cape Town, Stellenbosch University and the University of KwaZulu Natal, have separate committees for research in the biomedical sciences and research in the humanities and social sciences.[22] It remains to be established, however, to what degree these research ethics committees depend on an ideology of ethics as a universal good, and to what extent they have engaged with the specific South African historical conditions of ethics violations that formed part of apartheid-era structures. Haggerty (2004) points out that historically, the status of 'ethical

22 This information was gathered from the respective universities' websites during April–May 2015.

research' was insured through discipline-specific codes of conduct and diligent peer review, and not by means of bureaucratic oversight. Beyond the obvious indicators of research misconduct – fabrication, falsification and plagiarism – the increased focus on ethical regulation in the humanities now allows for several levels of institutional control not previously present. Katinka de Wet argues (De Wet 2010) that ethical regulation in the humanities is an essential component of a healthy university culture and finds the establishment of research ethics committees in the humanities and social sciences a welcome development in South African academe. This could be true. However, the validity of this position is contingent on university cultures that are already 'healthy', and functioning in ethically accountable ways. Given South Africa's very recent history of violent oppression of critical thinking in public and institutional domains, it stands to reason that such increased regulation has different implications in environments where tolerance of criticism is historically not part of the culture of institutions and discourses.[23]

The examination process for doctoral work at Stellenbosch University is designed to assure that 'discipline-specific codes of conduct and diligent peer review' (as Haggerty puts it) are upheld in PhD dissertations. Examiners are approved by faculty and appointed by the university's examination office; after initial examination of the written work is concluded, doctoral candidates participate in a *viva voce* examination that is overseen by a non-examining chair (again, approved by faculty and appointed by the university's examination office). In his written complaint, partly entitled 'Reasons for laying a charge of ethically questionable research', the HOD of music suggests that, in my case, a 'miscarriage of the examination process' had taken place. However, beyond his criticisms of the work (the HOD admits to only having had access to 'a limited amount of pages' of the dissertation; it seems the work had already been put under embargo when he wrote his official complaint) and accusations of my failure to adhere 'to commonly accepted research methods and highest ethical standards, not to mention common decency and collegiality' (quoted from the written complaint), no specific indications of the examiners' failures were provided.

23 There is a distinction to be made between research ethics committees and 'research integrity offices'. The former are usually made up of academics, who examine research proposals before study processes commence in order to safeguard academics and research participants against possible harm (although, as discussed above, many issues can be raised in this regard). A 'research integrity' officer (RIO), on the other hand, fulfils a managerial function: she or he is mandated to protect the interests of an institution, and if complaints are received manages investigation processes instigated after the completion of research projects. In other words, the RIO holds a managerial position, rather than intellectual or academic. When an RIO deviates from processes endorsed by an institution – as happened in my case – it significantly compromises the integrity of the process, as well as the RIO's supposed neutrality therein.

The written complaint provided no clear indications or evidence of procedural irregularities regarding the examination process. Even before this written complaint was tendered it was a dangerously simple task for the RIO to take a *managerial* decision to place the work under embargo, remove it from the public domain, and instigate a six month-long process where the 'ethicality' of my work came under scrutiny. Although I was vindicated through the outcome of this process, I still had to comply with the university's order to black out certain names in the dissertation (failure to do so would mean that the embargo on the work would remain in place) to protect the reputations of members of staff and, in one instance, to protect the identity of a student. It has been suggested to me in communications with the Vice-Rector for Research and Innovation that this censoring of the dissertation was insisted upon in order to protect the university and myself against possible legal action; however, as far as I could ascertain, the Vice-Rector was not acting on legal advice, nor had the university received notice of any possible legal action during the five months that the dissertation was available in its uncensored form. I therefore find unconvincing the idea that the investigation process and its outcome were meant as precautionary measures to protect my own interests. It is more likely that, given the decision to investigate my research and the mismanagement of the process, it was imperative that some tangible result be achieved to indicate culpability of some kind on my part, thus locating and solving 'the problem' and exonerating and freeing from responsibility the Music Department and university management.

5. Conclusion

Writing in the introduction to the 2002 publication *Transformation in Higher Education*, the editors state the following (Cloete et al 2002: 1):

> After South Africa's first democratic election in 1994, higher education was confronted with social, political and economic demands, arising from both the local and global environments, of a kind not encountered during the apartheid era. It was initially assumed that the main driver of change would be government policy, informed by a participatory policy formulation process, and implemented by a new, progressive bureaucracy. But change in higher education institutions followed a variety of routes that resulted in certain apartheid differences being accentuated and new differences emerging in the institutional landscape … central to the new landscape were the different ways in which institutions responded, or adapted, to the new environment.

It has been argued by various stakeholders, academics and university managers that former white, Afrikaans universities (such as Stellenbosch University) have not discernibly 'adapted to the new environment' nor adequately responded to the imperative to transform. University of Cape Town constitutional law professor Pierre de Vos, writing in the *Daily Maverick* of 3 July 2014, argues that in their lack of transformational practices especially in terms of language policy and initiation customs, universities like Stellenbosch and Northwest University in Potchefstroom are in fact not complying with basic constitutional requirements. On 22 June 2014, a headline of the Afrikaans newspaper *Die Burger* read: 'Uproar threatens at Stellenbosch University over transformation' ('*moles dreig by US oor transformasie*'), with the sub-heading 'Motion of no confidence probably awaits Botman' (*mosie van wantroue dalk Botman se voorland*'). In *Rapport* (the Afrikaans Sunday weekly) of 14 June, it was reported that 'huge strife threatens the University of Stellenbosch as a result of a "transformation centre" established to "manage, support and monitor" transformation on the Matie campus' ('*Reuse onmin dreig by die Universiteit Stellenbosch (US) oor 'n "transformasiesentrum" wat gestig is om transformasie op die Matie kampus te "bestuur ondersteun en te monitor"*'). The Rector and Vice-Chancellor of the University of the Free State, Jonathan Jansen, went so far as to suggest in the *Sunday Times* of 11 July 2014 that the stress of trying to transform Stellenbosch University might have taken its toll on the late Professor Russel Botman, who died of a sudden heart attack on 27 June. Jansen states: 'The more he pushed for transformation, the more he was mercilessly vilified by right-wing alumni, aided and abetted by the Afrikaans press, in blogger postings, in alumni associations, and in formal gatherings of the institution'.[24]

Criticism of lack of transformation at Stellenbosch University has also been generated from within the institution itself. In a document presented to the CHE, Dr Edna van Harte – the former Dean of Military Science at Stellenbosch University – states the following (Van Harte 2004):

> Since 1994 Stellenbosch University came under increased pressure from both government and the public to transform. Given its legacy of racial exclusivity and worldviews held, this external pressure has not been welcomed by a large section of the university community. Certain forms of resistance have been subtle; others continue to fly in the face of democratic practice, inclusivity and diversity.

24 Stellenbosch University is currently under renewed scrutiny in terms of lack of transformation at the institution, following the release of a documentary detailing the experiences of black students on the campus; members of SU management were compelled to attend a special meeting in Parliament on 1 September 2015 to report on the institution's 'Transformation Agenda'.

I believe the events I described in these pages are directly connected to the resistance to transformation and change referred to by Van Harte. My dissertation argued for transformation at the disciplinary as well as institutional level, and it did so partly by way of a critique of the institution itself. This critique was met with such levels of resistance as to precipitate a research misconduct investigation – and this was done through the use of managerial power mechanisms that co-opted ethics into processes of censure and censorship. I argue here that research ethics can be misused in managerial processes to counteract critique; in this way, managerialism potentially becomes a threat to academic freedom and freedom of speech. Understood thus, the events described in these pages are indicative of strong resistance to transformation and change on the part of certain sectors of the university, a stance wittingly or not defended by an ideology of ethics.

I pose the question if my own experiences, understood against the background of untransformed university cultures of intolerance and elitism that endured from the quasi-fascist policies of apartheid, don't indicate latent dangers in ethics regulation particular to these environments. Research regulation in the humanities ostensibly has the purpose to ensure that ethical principles of research are maintained; in other words, it is to ensure ethical conduct on the part of scholars involved in humanities and social science research. As a result, it is not difficult to surmise that scholars, in an effort to avoid being subjected to accusations of producing unethical – immoral - research, might increasingly begin to engage in forms of self-censorship. Foucault might suggest that such a situation is a prime example of panopticism: under threat of being accused of unethical research practice, scholars could begin to pre-empt such eventualities by regulating their own research to avoid accusations of ethical misconduct. In my own case, the mere accusation of a 'breach of principles of ethical research involving a PhD thesis' was enough to co-opt a group of scholars into an investigation of my work, for unspecified ethical transgressions, after the work had been examined and approved by a panel of experts many months previously.

Ethical risks should be balanced with ethical responsibilities. In this respect, I accept Stellenbosch University's endorsement of the Singapore Statement of Research Integrity, which states in its fourteenth clause: 'Researchers and research institutions should recognise that they have an ethical obligation to weigh societal benefits against risks inherent in their work' (Singapore Statement 2010). The risks I took in my PhD study were meant to push at the boundaries of existing scholarship and institutional practice, in order to open up new spaces for exploration and investigation, and the discovery of new knowledge. In this sense, I believe that I embraced the essential ethical obligations of emergent scholarship. In many respects, my PhD process pushed me into the unknown, and I had to discover new ways of locating and articulating knowledge without the comfort

of traditional boundaries and the safety of pre-existing norms. In retrospect, I understand that the 'unknowns' of my PhD process functioned both as the most fertile spaces for discovery and the most likely places for error. However, I also believe that PhD research can and should provide a space for exactly such explorations of the unknown, even with the inherent risks involved.

We are recovering from a time in history when asking questions was discouraged, criticism was regarded as a threat and demands for transparency were treated with suspicion. Although we might like to believe that with the coming of democracy this status quo has been dispensed with, it is important to remain vigilant. Transformation is not possible without critiques of the status quo, and transformation of South Africa's knowledge institutions is imperative. When ethics become entrenched in university management structures and functioning, it becomes possible for these structures to misuse ethics as a power mechanism, to regulate and ultimately quash institutional critique, and with it, transformational practices.

Postscript

In December 2014, the internal examiner of my dissertation (an extraordinary professor in the music department at the time of the examination process), after almost a year of continued and unsuccessful engagement with various role-players in Stellenbosch University Management, approached the Stellenbosch University Ombudsman with the request he investigate the censorship and censure of my dissertation. On 19 May 2016, I was notified by the Vice-Rector: Research and Innovation at Stellenbosch University that, as a result of the Ombudsman's written report and recommendations, he had decided to 'lift all restrictions with immediate effect'. On 23 May 2016, the dissertation was once again made available on the Stellenbosch University research repository, without attachments, and in the original uncensored version.

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