
Right to reply

Power and Ethics in Humanities Research: Another Response to Stolp

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The article “Report to the academy: power and ethics in humanities research”, written by Dr Mareli Stolp and published in *Acta Academica* 48 (1) in 2016, raises a number of questions about ethics and managerialism in humanities research, specifically at Stellenbosch University, that call for a response.

In the article she explores “notions of academic freedom and freedom of speech in the post-apartheid South African university”, focusing on what she terms the “managerial turn” in university management and in particular “its utilisation of ethical regulation in humanities research”. She argues that “managerial power mechanisms co-opted ethics into processes of censure and censorship” (Stolp 2016: 1). The case study she presents in support of her contentions is her own dissertation (completed in 2012), the unabridged text of which was withdrawn from SUNScholar, the university’s research repository, and replaced with a redacted version in September 2013, following a charge of “ethically questionable research” laid by me in my capacity as Chair of the Department of Music and in response to recommendations by a specially convened investigation committee, made up of three independent senior professors.

The article was submitted to *Acta Academica* in 2015 and accepted in January 2016. In a postscript to her article Stolp informs the reader that the dissertation was restored to its unrestricted form again by the university in May 2016 on the recommendation of the university’s ombudsman, after having been approached by the internal examiner in December 2014 “with the request he investigate the censorship and censure” of the dissertation (Stolp 2016: 22). Appeals against this decision were subsequently lodged independently by me and a departmental colleague in September 2016 after unsuccessful attempts to gain access to the ombudsman’s report. The matter was ultimately referred to

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the University Council. Council appointed an independent *ad hoc* investigating committee made up of four senior academics from outside the faculty and a retired judge of the Supreme Court of Appeal as chair. This committee presented its finding to the Executive Committee of Council in June 2017, the Executive Committee accepted the *ad hoc* committee's report and instructed the Rector's Management Team to implement its recommendations. This outcome was made known in August 2017. The *ad hoc* committee reiterated the original investigation committee's finding that Dr Stolp "had breached certain ethical norms and principles". It also found that the ombudsman's recommendation to have the dissertation restored to its original form was "fatally flawed" and that the investigation committee's original decision should therefore be "reinstated". This brings to a conclusion a matter that has, unfortunately, been drawn out for too long and in the process has caused a great deal of distress and harm to all parties concerned. The fallout has been extensive.

A response to Stolp's article has already been written by a group of senior academics from Stellenbosch University, some of whom were involved in the matter in one way or another (Horn et al. 2016). This was done soon after the article's appearance and long before the *ad hoc* committee had come to its conclusion. In a "spirit of open engagement" (ibid., 1) they responded to and dealt with most of the article's important questions in a comprehensive way, specifically with the contention that the university had "conflated" issues of "ethical impropriety and research misconduct" (Stolp 2016: 14). It will serve no purpose to duplicate the rebuttal's contents here, with most of which I agree. The one point it does not address adequately, though, is Stolp's central allegation that the institutional critique articulated in her dissertation was the catalyst that led me and the university to use ethics as a managerial tool to respond to such critique. In addition to the statement that "managerial power mechanisms co-opted ethics into processes of censure and censorship" (Stolp 2016: 1) she warns against an "abuse of ethical regulation as an instrument used to curb critical scholarly work" (Stolp 2016: 16). These are outrageous and preposterous claims that deserve to be scrutinised. Three of the key sections in which she puts forward these views read as follows:

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. (Stolp 2016: 11)

By conflating issues of 'research misconduct' and 'ethical research principles', university *managers* responded to *academics* who were resistant to critique articulated in PhD

research;² using ethics as a managerial tool, they then proceeded with the censuring and censoring of this PhD research.” (Stolp 2016: 14)

I believe the events I described in these pages are directly connected to the resistance to transformation and change referred to by Van Harte.³ 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. (Stolp 2016: 21)

Stolp supports these allegations with repeated statements that she was found “not guilty” of all charges, including the charge of breaching of ethical norms (Stolp 2016: 3, 13, 15). However, both the *ad hoc* committee’s recent report and the response by Horn et al. (2016: 11) show these statements to be incorrect, i.e. that she had, in fact, been found to have “breached certain ethical norms and principles”. As a consequence, it could be argued that this misrepresentation on her part nullifies her central claim and that the entire article should therefore simply be dismissed. Another way of responding would be to engage with the allegations and show that they do not stand up to scrutiny. The following discussion attempts to do exactly that. (I wish to state clearly that none of what follows here should be seen as comment on the content and quality of Stolp’s dissertation itself, but that it is the article that is under scrutiny.)

To begin with, my initial charge of ethically questionable research against Stolp stated right at the outset in explicit and categorical terms that it was motivated by a

deep sense of responsibility and duty as Chair of the Department to stand up for the personal dignity and rights of my colleagues and students implicated in the dissertation, the reputation of the

2 The author’s differentiation between managers and academics may have been valid in a case involving the university’s divisions of finance or human resources, but in this case it does not hold water, least of all in respect of the members of the investigation committee.

3 In the preceding lines Stolp quotes Dr Edna van Harte, former Dean of Military Science at Stellenbosch University, as stating: “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.” Quoted from Stolp 2016: 20.

Music Department and, equally important, the integrity, ethical standards and reputation of research conducted at the University of Stellenbosch. No other issues whatsoever are at stake here. No issues brought to the fore by any party should deflect or detract from this fundamental concern.⁴ (Quoted from p. 1 of my written complaint)

Stolp does not present any evidence to prove that this statement, which was known to her, and the stance it reflects, was disingenuous. The reports of both investigating committees show that an alleged abuse of ethical regulation as an instrument to curb critical scholarly work was not brought to bear or considered by them. Neither did an alleged resistance to transformation at disciplinary or institutional level feature in their considerations. Stolp would have had to prove collusion between the various structures of the university and the investigation committee for her allegation to be convincing. To imply collusion is a serious matter. In fact, the various entities worked quite independently of each other, ensuring a system of checks and balances, with the investigation committee playing the decisive role. And as the *ad hoc* committee pointed out, the findings of the investigation committee were never in dispute from any party. Stolp's allegations therefore belong to the realm of personal opinion, even if she goes beyond a term like "I believe" (see pp. 4, 11 and 21) and appears to be stating a fact, like in the third of the quotations above.

It is true is that Stolp was the first student to register for what is generally known as the integrated PhD in music, a degree in which the "coherence and interdependency of the study of the creative processes and theoretical dimensions of the research [lead] to an original contribution to knowledge and insight into the arts" (Stellenbosch University Calendar Part 4, 2017, p. 222-223; the wording has not changed since the time of Stolp's registration). It is also true that Stolp's research opened up the area of practice-based research in music for the first

4 On p. 19 of the article Stolp writes that "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." In response to this I have to place on record that in the weeks before I started writing my complaint it came to my attention that legal advice had in fact been taken by some of the affected parties and legal action was indeed contemplated. This was put on hold only to allow the university's investigation to take its course.

time at Stellenbosch, and possibly in the country, for that matter. That strong differences of opinion about the nature of the project upon which she embarked came to the fore – she refers to “disciplinary struggles” in the quotation above – is also true. Though regrettable, such differences of opinion are not abnormal in a passionate academic environment dedicated to the highest academic and artistic standards, also when a new field of investigation is opened up. Be that as it may, the point is that neither these differences of opinion nor the subsequent complaint about ethical misconduct were the result of the kind of “resistance to transformation and change referred to by Van Harte”, as is maintained by Stolp. If it is true that she was the first student to embark on this novel kind of research, it is misleading to argue that the “institutional critique presented in the dissertation” would have been “met with such levels of resistance”, that it had to be countered by means of “censure” and “censorship”. She describes the nature of this critique as follows:

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. (Stolp 2016: 11)

While some of the performance projects could have elicited negative responses from some staff members, as is reported in the dissertation (Stolp 2012: 139), none of these projects and the institutional critique they were supposed to contain would have provoked me as departmental chair to have the dissertation “censured” and “censored” by the devious route of laying charges of ethical misconduct. Since the arrival of Roelof Temmingh on the staff of the department in 1973 and the establishment of the “*Komitee vir Eietydse Musiek*” (later known as KEMUS) in 1980 a great deal of contemporary music, avant garde and otherwise, has been performed in the department on a regular basis. Audiences within and

outside the department have become accustomed to such performances – even if their support could have been stronger – and a response of the kind mentioned by Stolp would not have entered anyone’s mind. To provide a full account of such performances would go beyond the scope of this response, therefore a few examples of performances of some of Temmingh’s more controversial works specifically will have to suffice:

Temmingh’s *Hooglied* was performed at one of the inauguration concerts (!) of the new Konservatorium building in 1978. *After the Rain* (1981) was performed in Stellenbosch and Cape Town. Different versions of *Blomsit* and *Radar* were performed during the 1980s. *Proefpreek vir vier luidsprekers* and several other electronic works were performed to packed audiences at lunchtime concerts during the week of the students’ *Karnaval* over a number of consecutive years at this time. *Music for Two Pianos* (1980) was inspired directly by a concert in the Endler Hall of the famous Kontarsky brothers, who played several avant garde piano pieces, including Ligeti’s *Monument*, *Selbstportrait* and *Bewegung*. *Joernaal van Jorik* (1989) was performed to a full Endler Hall. *Disch* (1992) already represented the composer’s transition to a post-avant garde style, as did most of the other works performed in the Endler or Fisser Halls in the following years. By 1987 more than 100 performances of Temmingh’s music had already taken place in Stellenbosch alone (Lüdemann 1987: 168). By the time of his retirement in 2005 this number would have doubled. Similarly, Hans Roosenschoon’s *Ubuntu*, Part One of a Human Rights Oratorio, was premièred in 1998 during such a formal occasion as his inaugural professorial address, while his *Earth, Water, Air and Fire* was performed in 2007. These performances of two of Roosenschoon’s more provocative works are representative of many others in the department.

The “*Komitee vir Eietydse Musiek*” was involved in several of the above performances. It was also responsible for the performance of a large number of other South African works as well as works by composers from abroad, including music by Arnold van Wyk, Hubert du Plessis, Paul Loeb van Zuilenburg, Laurie Potgieter, Edward Aitchison, Peter Klatzow, Johan Cloete, Hans Roosenschoon, Hendrik Hofmeyr, Bongani Ndodana-Breen, George Crumb, Olivier Messiaen, Edgard Varèse (*Ionisation*), Karlheinz Stockhausen (*Mikrofonie I; Mantra*), Terry Riley (*In C*) and Steve Reich (*Drumming*). The last two works have been performed more than once. Under the direction of Theo Herbst the KEMUS Ensemble built a country-wide reputation for itself as a touring ensemble devoted to the performance of new music, including music by Herbst himself. In collaboration with James Webb, Herbst also organised a NewMusicSA Unyazi conference on new, mainly electronic music with a wide variety of participants.

Since their establishment by Eric Rycroft both the Stellenbosch University String Ensemble and the Stellenbosch University Symphony Orchestra (later conducted by Corvin Matei) have made it their business not only to perform existing South African works (notable recent events, for example, were the performances of Arnold van Wyk's *Symphony no. 1* and Gideon Fagan's *Karoo Symphony*) but to be the performance instrument for works newly composed for them, in close collaboration between conductor and composer. Most of the solo concertos by Temmingh had their first performances in this way. Notable works by Hans Roosenschoon and Hendrik Hofmeyr have also been performed under such circumstances. The same can be said of Acáma Fick, who in her capacity as conductor of the Konservatorium Dameskoor, Stellenbosch University Choir and the Stellenbosch Camerata, was responsible for collaborative performances of innumerable new works by Temmingh, Cloete, Hofmeyr and many other South African composers.

It is, therefore, simply not correct to speak of a “lack of institutional engagement with contemporary art music repertoire (at curriculum level, as well as in terms of concert programming)” and “inadequate support for new music by South African composers”, just as it is not correct to lament lack of interest in “performing music seldom (if ever) heard in South Africa (especially in concert offerings of institutions such as Stellenbosch University)” and “collaborating with South African composers in the creation of new works”. Of course, one can never do enough to promote the kind of music in question, but with the scarce resources available Stellenbosch has done more than many other similar institutions in this field of artistic endeavour, even if it may have differed from activities elsewhere because of the particular artists present here. Compared to several of the performances listed above some of Stolp's own performances (e.g. of music by Schönberg, Messiaen⁵ or Rzewski⁶) seem rather old hat. The point of this, however, is not to judge her performances, but to show that the “institutional critique” she presents is not so radical that it would have provoked me to initiate “censure” and “censorship” of her dissertation on ethical (or any other) grounds, even if such a devious strategy would have been contemplated, and with which the other university structures, including the investigation committee, would then have had to collude. She clearly over-estimates the impact of her work.

Since the allegations in Stolp's article implicate me as the initiator of attempts to “censure” and “censor” her work, I have no choice but to point to my own involvement in many of the contemporary music activities listed above, even if I

5 Messiaen's music is, by now, standard repertoire, especially among organists.

6 In one of their CD releases Nina Schumann and Luis Magalhães have also included a work by Rzewski, after several performances of music by this composer by postgraduate piano students.

do this with the utmost reluctance and in recognition of my shortcomings. Much more could have been achieved if more resources had been available. As the only scholar to have written anything of note about Temmingh, the most controversial composer of avant garde music in South Africa to date, as a member of the ensemble that performed several of his ground-breaking chamber works under his personal direction, as a founding committee member of KEMUS together with the late Edward Aitchison and later with Theo Herbst (altogether for more than 20 years), later as a member of the Endler Concert Committee and finally as the lecturer responsible for teaching 20th Century music to undergraduate students for many years (before me Roelof Temmingh was responsible for this module), I have been actively involved in the promotion of contemporary – and specifically of South African – music in various ways throughout my career at the institution. Given this lifelong commitment to new (and especially South African) music there would have been no reason whatsoever for me to initiate attempts to “censure” and “censor” Stolp’s work on the grounds she puts forward, and thereby to compromise my integrity.

Finally, the contention that a complaint of ethical misconduct was laid to cover up “resistance to transformation and change” at “the disciplinary as well as institutional level” also goes unsubstantiated. It is true that the Music Department, like the university as a whole, and like many similar institutions in South Africa, is grappling with transformation and how to make it work under extremely difficult circumstances. This also includes broadening accessibility as well as looking at the past and coming to terms with a history of exclusion and injustice.⁷ But that in itself is not sufficient reason to conclude a resistance to transformation and that this has led to attempts to stifle institutional critique. There is even less reason to throw in, for good measure, references to the “quasi-fascist policies of apartheid” (Stolp 2016: 21). I will refrain from listing my involvement in countless community music projects across the racial divide over my entire career in order to prove that I have no personal reason to resist transformation. I leave an investigation of that legacy to someone else. Neither will I list the sterling work that many of my colleagues have done to take the transformation agenda forward. There is absolutely no reason why I would have attempted to stifle critique about transformation. Transformation is about more than playing new music in railway stations or scrap yards.

Let this response to Stolp’s allegation that I or Stellenbosch University were motivated by other concerns than those for research ethics suffice. It has to be stated categorically that the limiting of academic freedom and freedom of speech

7 See my forthcoming article “Sounds and Silences. A century of music at Stellenbosch University” to be published as part of a faculty-wide history project.

was not the reason that drove me or the University to follow the course of action that we did. As far as I am concerned, limiting academic freedom and freedom of speech was never at issue during the events as they have now unfolded over more than four years.

I thank the editors of *Acta Academica* for giving me space to put forward my perspective.

Sources

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Postscript

The above matter has now taken another turn with Chris Walton's reaction ("Of ethics and incompetence", *Acta Academica* 49, 1) to the rebuttal by Lyn Horn et al. ("Power and ethics in humanities research: a response to Stolp", *Acta Academica* 48, 2). Walton's piece calls for a clear and decisive response in order to set the record straight once and for all. The most important point to make is that the matter concerned has been taken up at the highest level by the university. As was pointed out in more detail in the above response to Dr Stolp's article, an independent *ad hoc* committee, appointed by the University Council and made up of four senior academics outside the faculty and a retired judge of the Supreme Court of Appeal as chair, confirmed that Stolp "had breached certain ethical norms and principles". It also found that the Ombudsman's "resolution" of the "dispute" "in Stolp's favour" (Walton's wording) was "fatally flawed" (the *ad hoc* committee's wording). The university's acceptance of the *ad hoc* committee's report now finally concludes the matter. On these grounds, Walton's contentions have, simply and categorically, to be dismissed.

The record also has to be set straight on Walton's assertion regarding the "complainant's open admission that his charges were based only on a partial reading of the thesis". (Walton has repeated this assertion elsewhere as well.) This is a misrepresentation of the facts and of the paragraph in the complaint to which he refers (p. 1, para. 3). It is stated there that the charges were compiled and formulated on the basis of limited access by the complainant to the dissertation at the time of writing (on account of the dissertation having been withdrawn from the public domain by then). Nowhere is any mention made of "a partial reading". Much more important, though, is the *ad hoc* committee's finding that "the issue whether [the complainant] did or did not read or understand the thesis properly is of little, if any, consequence where it is clear that it was read and thoroughly understood by the FIC [Formal Investigation Committee]". This finding is crucial to the whole matter and renders Walton's assertions irrelevant.

Finally, the description in Walton's last paragraph of the various stages of the process leading to the awarding of a doctoral degree at the University is simply not correct. All these stages take place on faculty or university level, not on the level of the department. So Walton's assertions about the Music Department are completely misplaced. What is of greater importance, though, is that during their investigations none of the committees found "incompetence" or "unethical conduct" (Walton's wording) on the part of the department.

Walton is in possession of the *ad hoc* committee's report. He should read it and hold his peace.