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UNIVERSITY LEADERSHIP, ABYSSAL RESPONSIBILITY, SOVEREIGN EXCEPTION: AN ARGUMENT FOR A NEW FORM OF DISCIPLINARY DECISION-MAKING

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/// Abyssal Responsibility

I am in agreement with Thomas Docherty when he writes "we are facing something of a crisis of leadership in higher education in Britain" (Docherty 2011: 111). Its cause? The separation of the leader, in the form of a vice-chancellor, from that which she (or he) leads, the university. It results in a void between the two and gives rise to what I call the problem of abyssal responsibility when it comes to accounting for decisions of leadership. The focus of this paper is the consequence of abyssal responsibility in cases of alleged misconduct, where the vice-chancellor makes the decision in regard to sanction. But the problem extends far beyond disciplinary procedures; it is a problem of leadership as such if the structure of leadership positions the leader above and separate from the institution she leads. Early in the twentieth century Max Weber characterised such leaders as an ideal type: the "charismatic leader" (Weber 1968: 22ff). In my view, the separateness of leader from institution can be traced back further still: it is an inheritance of sovereign leadership. Contemporary commentators on Weber, for instance Sverre Spoelstra, contend that charismatic leadership leads to today's problem of "post-truth" leaders (Spoelstra 2020). For Docherty the leading characteristic of isolated leaders is hubris, which leads to

"massive damage […] to the intimacy of community internally" (Docherty 2011: 109). I argue that the separation of leaders from their institutions opens the way for abuse of power by the leader and her imposition of her own moral values upon the academic body. This can be clearly seen in the disciplinary procedures of those universities where the vice-chancellor has the power to decide upon sanctions.

In UK universities, it is common for a disciplinary tribunal to be convened in cases of alleged misconduct by an academic. The tribunal is drawn from the academic staff and overseen by the university's council, which, if properly constituted, we might say represents the community of the university and its traditions. Following an inquiry into the employee's behaviour by investigators both academic and administrative, the tribunal considers the evidence and on that basis makes a recommendation to the university's leader, normally the vice-chancellor, in regard to sanctions. If the academic has been found guilty in any way, it is the leader who has the responsibility for deciding upon a sanction. The person with the responsibility for deciding, the vice-chancellor, does not sit on the tribunal, but receives a recommendation from it upon which to base her judgement. The person deciding on the sanction, then, is separate: not separate in the sense that a judge might be in a trial – for a judge would hear representations from both sides – but separate in the sense that she does not hear any evidence directly, does not necessarily have to agree with the reasoning of the tribunal, does not have to come to a consensus with the investigators as to the guilt or lack thereof of the person being investigated, does not have to engage directly or even meet with the person being investigated, does not participate at all in the deliberative discussion of the university community represented by the tribunal, and is not bound by any of its recommendations as to sanctions. Indeed, it is a model of leadership that works only to the extent that the leader "demonstrates their leadership precisely by establishing a distance or a gap between themselves and the very institution that they lead" (Docherty 2011: 110).

This separation between the university and its leader, between the tribunal and the person deciding, presents a fundamental problem of responsibility. On the one hand, the person with the responsibility for deciding does not herself hear the evidence; and on the other, the body which does hear the evidence is not responsible for the decision. Both parties, that is, both the tribunal and the person deciding, have responsibilities, but neither has full responsibility. Nor is responsibility shared between the two, because the gap between them splits responsibility into two different

parts, the second of which is sovereign. Yet despite this sovereignty, and the separation between evidence and decision, between the tribunal and the person deciding, the gap between the two allows for the possibility of neither party accepting full responsibility. This leads to what I call abyssal responsibility: the responsibility is not locatable, the process by which it is exercised is unfathomable, and its workings are impenetrable.

If the academic employee seeks to challenge the decision made about her (or his or their) conduct on the grounds of the unfairness of the process or the wrongness of the decision, the task is made inordinately more difficult by this separation. The problem is not so much that one or the other party, or both, can shift the burden for a wrong or an unfair decision on to the other, although this is indeed made possible by the process. It is that the person deciding, in being separate from the totality of the evidence, the investigation, the reasoning of the tribunal, and the person investigated, can come to a decision that need not be tied determinately to the facts of the case. Consequently, she can make a decision for which she need not accept full responsibility; and even if she does accept full responsibility, it is a responsibility impossible to assume fully, precisely because of her separateness.

If her decision is the outcome of a shared agreement with the tribunal on certain grounds, then it is an agreement that has to be accepted on blind faith. She may arrive at the same decision as the tribunal, but for her own, different, reasons. She may decide differently than the tribunal recommends, whether she agrees with the tribunal's reasons or not. These circumstances make the process an exercise in autocratic power, with the important corollary that it is difficult in the extreme to hold the decision-maker accountable for her decision, precisely because her separation from the evidence and from the tribunal's reasoning allows her to defer to the tribunal's assessment of the former and provision of the latter, or to substitute her own version of the grounds, or their lack, and ultimately to make her own decision as to the sanction. Thus, an excessive trust in the decision-maker is required. If you were designing a system where responsibility is made difficult if not impossible to locate, ascribe, apportion, or challenge, this would be the system you would want to construct.

/// Abuse of Power

The gap created by the isolation of the vice-chancellor, the separation of the person deciding from the evidence and the tribunal's reasoning, is a space which can be exploited for purposes of power – a power without

responsibility. Exercised in the abyss of responsibility, it is a discriminatory power. The decision-maker can use it to wield power over the individual, or secure her (or his or their) own power within the institution, or to reinforce the institutional power of the university over its employees. The gap allows for the possibility of making an example of the perpetrator's conduct; should the decision-maker have strong moral or religious views, or indeed personal prejudices, these could form the basis of her decision. Such views could make the guidelines for staff conduct, though articulated in qualified language, appear to the decision-maker as an absolute obligation. For instance, the tribunal could decide that the conduct of the person being investigated does not warrant dismissal, but that not having reported the conduct does. However, the decision-maker might think that dismissal is too harsh or disproportionate a sanction for not reporting, yet because of her own personal morality she may be motivated (consciously or unconsciously) towards dismissal because of the conduct. Her decision would agree with the tribunal as to sanction yet differ in reason. The important thing to note is that a system of abyssal responsibility accommodates and allows for such disjunction. Indeed, this system functions only to the extent that the separation allowing for the disjunction is maintained by the decisions it makes possible.

Moreover, the separation allows the difference in reasons to remain hidden. When pressed as to the unfairness or wrongfulness of the decision to dismiss, the decision-maker need only defer to the tribunal's recommended sanction. In a system of abyssal responsibility, the decision-maker need not have considered the evidence nor the reasons provided by the tribunal for its recommended sanction; she need not come to a judgement as to whether the sanction recommended by the tribunal is commensurate with its reasons; she need not have followed or even have a knowledge of the statutes governing the institute she leads; and she need not familiarise herself with the range of other sanctions available to her in those statutes if the tribunal's recommendation as to sanction fits her own view of the correct punishment. For someone with certain moralistic beliefs or religious convictions, a guideline articulated in qualified language could be interpreted as "absolute" because it involves conduct that the decision-maker may have a moral view about, even if that conduct is not prohibited in the guidelines. It may be that the academic whose behaviour is in question perceived the guideline as a guide to conduct in the best of all possible circumstances, where there are no mitigating factors; and it may even be the case that the investigators – fellow academics and others – investigating

her conduct perceive the guideline in exactly the same way. But the separation of the decision-maker from the evidence and the tribunal's reasoning allows for her moral or religious convictions to overrule the shared understanding of the university community in favour of her own decision as to sanction. As Docherty puts it, it is a model of leadership "all too common in our times: the leader becomes one who confronts their followers or community, proposes actions or beliefs that the community rejects and then proceeds in wilful ignorance of that rejection" (Docherty 2011: 109). And not just in ignorance. The model also allows for proceeding wilfully in full knowledge of the rejection or contrary recommendation.

Of the leader who acts in this way we could say that she is what Max Weber characterises as a charismatic leader, one whose authority is based on personal "gifts" and on the personal loyalty of "followers," people who believe in the leader's person and her qualities. Weber opposes the charismatic leader to a leader who rules by virtue of belief in the validity of legal processes, to whom people submit for reasons of custom and statute (Weber 2008). Weber distinguishes between the nonformal type of law created by charismatic power, and formal justice, which "diminishes the dependency of the individual upon the grace and power of the authorities" (Weber 1968: 86). Charismatic leadership can lead to authoritarianism, to leaders who "refuse to be bound by formal rules, even by those they have made themselves, excepting, however, those norms which they regard as religiously sacred and hence as absolutely binding" (Weber 1968: 84). Sverre Spoelstra takes this further. The separation of Weber's charismatic leader from the authority of law and the authority of tradition leads to today's "post-truth" leader: "the charismatic leader does not need to concern himself with factual reality because he embodies a reality that is perceived to be of a higher order than that of the actual world that we live in" (Spoelstra 2020). Again, so pernicious is his (or her) separation that such a leader "*should* disregard factual reality." Personalistic leaders are no strangers to the "absolutely binding."

There is situatedness and nuance and context and mitigating circumstance hidden within the abyss separating evidence from a decision and the tribunal's reasoning from a decision, and these are precisely what are lost in the transfer across the abyss from tribunal to decision-maker. It might be argued that these are the sorts of things that the decision-maker might expect the tribunal to have considered in order that she be relieved from having to do so, in which case she will likely be inclined to accept the decision recommended by the tribunal. But if she has made her mind up in advance,

then not being exposed to these human details makes it easier for her to make a decision of her own choosing. Indeed, if she is minded to dismiss the academic because she believes the latter had an "absolute obligation," regardless of what the circumstances were or what the mitigating factors might have been, or what the guidelines as to conduct state in qualified language, then what she is in fact saying is that the institution is absolutely detachable from those nuances and context, even if that situatedness and any mitigating factors are irreducibly connected to and produced by the institution and are its responsibility, for instance, in the case of adverse working conditions or toxic working relations with colleagues or cultures of cronyism or bullying.

A leader whose norms are absolutely binding, at the expense of any living relation to the university's statutes and the practices and the culture of the university community, is a leader unfit for the university of today. I would argue that an insistence on the "absolute obligation" is in fact a camouflage for the wielding of absolute power. To claim that what has been breached is an "absolute obligation" will assist in warranting the harshest punishment. To decide in favour of what she has already decided, in accord with what her mind has made up or the biases of her thinking, is, in the end, to decide in favour of the power that enables her decision. In short, the system allows for the wielding of extremes of power, leading to the harshest punishments. A reasonable or fair-minded individual might perceive such actions on the part of the decision-maker to be an abuse of power, yet they are actions acceptable within the law because the system of abyssal responsibility permits them. The responsibility for an unfair or wrongful decision is, strictly speaking, unassignable. The responsibility of the leader in this structure is so abyssal that her responsibility recedes to the point of invisibility.

/// The Sovereign Exception

There is a hierarchy of standards built into the structure of abyssal responsibility. The academic is subject to and subject of the most determinate relation between self and responsibility for acting. Her (or his or their) actions are tied in the most determinate way possible to evidence and the tribunal's reasoning. Contrarily, the decision-maker is separated from precisely these things – the evidence and the tribunal's reasoning – as if the decision-maker does not have to answer for herself in the way the person she is deciding about does. As we have considered, the decision-maker might say that the

academic had an "absolute obligation" to abide by guidelines to staff, but the decision-maker is not held to the same standards. She is exempted from them by her position as leader. Being separate from the evidence and the tribunal's reasoning allows her to act as if her position of institutional leadership accords her the right not to be held accountable in the same way that she holds academic employees accountable. Such a leader is not held personally responsible for her actions precisely because her position as leader is personalist.

Perhaps this helps explain why, in the system of abyssal responsibility, the right to punish is so intimately linked to the right to forgive, the right to grant clemency. Such is the separation between leader and the university she leads that it is fully within her rights not just to impose the highest penalty available to her, which in cases of alleged misconduct is summary dismissal, but to issue no sanction at all, whatever the recommendations of the tribunal or the admitted conduct of the academic. It is as if the leader in such circumstances has a sovereign position with respect to those she leads, as if she had a sovereign right – the right to grant clemency. If the leader's function were merely to apply the law, or to serve as the guarantor that the regulations of the university will always be applied, then she would, as Slavoj Žižek puts it, "turn into a mere figure of knowledge, the agent of the discourse of the university" (Žižek 2003: 110). To function simply as the guarantor of the law would deprive the leader of her authority. Therefore, the only way to demonstrate her authority is either to impose the highest penalty available to her, or to grant clemency. It is a situation in which the leader maintains her legal power by acting above the law. The leader's legal authority is guaranteed only by *not* guaranteeing the law.

It is as if the exercise of the law is subjugated to the need to maintain the authority of the one exercising it – as if the law must first and foremost be exercised in such a way as to ensure the supra-legal authority of the sovereign leader. This helps explain why Kant concludes that "Of all the rights of a sovereign, the *right to grant clemency*…is the slipperiest one for him to exercise" (Kant [1797] 1991: 145). Even if the decision should lead to "injustice in the highest degree," the leader must exercise it, says Kant, "in such a way as to show the splendour of his majesty." To grant clemency is the leader's *right*. The right to grant clemency cannot be separated from the right to exact the highest penalty – not solely because granting clemency might in itself be unjust, but because what is at stake here is not justice at all. For Kant, the right to grant clemency is the only right that deserves to be called the right of majesty. It is a right the leader herself cannot be penalised for exercising: she is above the law.

Clemency is a function of power; it has no place in the university. The freedom of the vice-chancellor to grant clemency is asymmetric to the academic's freedom before the law. It is an excessive freedom, beyond the requirement to apply the law. The right to mete out punishment of the harshest sort and the right to grant clemency are both rights above the law. The exercise of these rights puts an end to the disciplinary process. Within the university's disciplinary process, then, there exists a disciplinary right to exceed or to undercut said process. Such a right is the exception to the process within the process: it is a sovereign right of the leader. The leader is a sovereign exception to the very thing she institutes and this fact allows her to exempt herself from the standards to which she holds other academics. Docherty argues that this is a logic that has been "infiltrated from elsewhere, that has been neither debated, nor discussed, nor even established" (Docherty 2011: 120). Yes, this logic from elsewhere has been silently internalised by the university, but it has been established by the establishment itself, that is, it has been granted by royal charter. The state "grants" a royal charter to the university, and thereby the university becomes a legal entity, with legal powers and the power to wield the law. These powers have political, religious, and theological histories. Might not universities have been instituted the way they were, with rights granted to vice-chancellors according to the model of sovereign exception, not in order to guarantee, say, academic freedom, but in order to reinforce and guarantee the sovereign power of the institutions that instituted them? Sovereign power secures itself within the state by granting the leader of the university such power over the university's academics.

Does such sovereign power have any place today in the academy? Should a university leader who is essentially separate from the body of the university have the right sovereignly to intervene in academic-academic, academic-student, and student-student relations, as if the academics and students were her subjects? The answer to both these questions is of course no. The sovereign power of the vice-chancellor in UK universities is without legitimacy. The structure of abyssal responsibility I have outlined is, in my view, designed to put a limit on responsibility, and on thinking of responsibility, in favour of the power of the decision-maker, the leader, to decide in whatever way she thinks fit. It is autocratic power. It is personalist, overly dependent on trusting in the good character of the person deciding. To this extent it is profoundly at odds with the academic values of the institution it purports to govern.

There are two disjunctions at work in the separations between evidence and a decision, and the tribunal's reasoning and a decision, and they can

operate in different ways. The gap between evidence and a decision, and between the tribunal's reasoning and a decision, is internally divided, making responsibility impossible to objectify. The gap is a limit placed on responsibility, is designed to make that responsibility impossible to ascribe or apportion, and has no place in today's academy. It creates a conflict between truth-telling and the workings of an institution in which truth and honesty are supposed to be uppermost values. It sets in motion a series of substitutions and slippages, where one reason behind the "for good cause" provided by the university as justification for its decision as to sanction can replace another. What Docherty calls "a chain of agencies" I would call a chain of deferred agency (Docherty 2011: 115). It is an abyssal economy, a "delegation of guilt and blame" without end (Docherty 2011: 120), the limitless substitution of "good cause," a reverse infinitisation of excuse. It leads to an abyssal justice where what is left is not a matter of "good cause" at all but the ungrounded place of its demand, a demand for a final reason that will never be provided, yet at the same time can never be relinquished. How, today, is it permissible for an academic institution to grant its leader a sovereign authority to decide arbitrarily, rather than requiring that leader to have arrived at decisions on the careers of academics on the basis of evidence, criticality, discussion, fairness, deliberation, and proportionality? The task is to envisage another kind of responsibility, in opposition to abyssal responsibility.

/// There Where the Danger Lies Does the Saving Power Also?

Yet might there be something internal to the structure of abyssal responsibility that would allow for a corrective to it, namely, the very thing that is problematic about it – the separation? We have seen that in being separated from the evidence, the person charged with making the decision can make up her (or his or their) own mind. A person with the kind of power the structure of abyssal responsibility invests in her can decide upon any sanction she wishes, and for reasons which differ from those underpinning the sanction recommended to her. And this can lead to an abuse of power. At the same time, however, might this make the position of decision-maker in such a system one of creative leadership, and the decision-maker, a creative leader? Rather than merely following the recommendation of the tribunal, or being led by her personal moral or religious convictions, the person with the power to decide could lead creatively. What do we mean by this?

In the structure of abyssal responsibility within disciplinary procedures, the decision-maker and the process of investigation are in asymmetrical

relation to each other; only the one party – the decision-maker – can put a stop to the movement of abyssal responsibility. What would mark this person out as a creative leader would be her preparedness and willingness to use the inordinate power with which she is invested to question the very separation that enables the power in the first place. Rather than someone who simply makes up her own mind for reasons private to her, or who is led to a sanction determined by her moral or religious beliefs, a creative leader in such a situation would be one who, aware of the enormous power at her disposal, managed not to be determined by it, either in a subjective moralistic way or a sovereign way. She would be someone who questioned her abyssal responsibility and instead assumed a different responsibility: the responsibility to question not just her own authority, but the position of the authoritarian leader as such.

Abyssal responsibility is without ground, for grounds are what have been detached in effecting a separation between the reasoning and the decision-maker's decision. Therefore, if there are to be any grounds for her decision, they will have to be invented. Is it not justice that grounds all such grounds? A creative leader would be someone who, in perceiving that the law is not just applied but invented, sees her role to be interpreting the law and acting on the world, motivated by justice. It would be the responsibility of a just leader to invent the grounds for a responsible decision. A responsible leader would come to her decision not through wielding the power of the sovereign exception, but by refusing such power in favour of the very thing that abyssal responsibility excludes: evidence and reasons, context and criticality. This is what would differentiate a responsible leader of an academic institution from one who wields power in the structure of abyssal responsibility. A creative leader would encourage another way of thinking about responsibility.

Two things speak against this approach. First, to call for such a leader is again to invest in the person, in the character of the leader, when it is precisely the character of the leader that is always already in question. Second, to interpret the law creatively and to apply it inventively would be for the leader to become either or both a) the saviour, the one for whom we have been waiting; or b) self-sacrificing to the extent that not only would she put an end to the structure that allows the law to be applied in this way in the first place but she would also abolish the very position of leader. The only responsible decision of a creative leader would be to remove the leader. There are no such leaders. The isolation of the leader in the structure of

abyssal responsibility rules out all acceptable forms of responsibility. If justice is to be made possible – if justice is to be the motive force in setting up a disciplinary procedure – it cannot be entrusted to the decision of a leader.

What is needed is to open the opaque space of responsibility, to make the space more transparent, and this entails eliminating the position of leader. So separate is the decision-maker in the structure of abyssal responsibility that she does not even have to meet the person about whom she is deciding. Yet still she can pronounce on the feelings of remorse of the academic in question and come to a judgement as to whether he or she is likely to engage in the same misconduct again. She may deliver her verdict "in person," but only within a framework of domination, as another abuse of power: hauling the hapless offender in, summoning her to appear before the decision-maker, flanked by other delegates of authority, in order that the sentence be delivered with the maximum possible authoritarian force and the offender be blinded by the decision. Might we contend, then, that the decision-maker who wishes to challenge the sovereign exception should be mandated to hear directly from the person whose fate she controls, and to listen to what the employee has to say before she decides upon a sanction? But a leader who is obliged to meet the person she is deciding about is no longer in a position to control and determine her own appearing. She is no longer a sovereign exception.

As Michel Foucault has shown, disciplinary power is exercised through its invisibility (Foucault [1975] 1979: 187). The separation of the leader in the structure of abyssal responsibility outlined here is of this kind: the leader subjects herself to a minimum of visibility. Meeting the person whose fate one is deciding might seem to a reasonable and fair-minded observer a minimal condition for exercising power over that person fairly. But that would be to ignore how the structure of abyssal responsibility is, as we have seen, indebted to the model of sovereignty. Any play of visibility and invisibility between the sovereign and her people will always be an economy in the service of the sovereign. Disciplinary regimes exercise their power "at the lowest possible cost (economically, by the low expenditure it involves; politically, by its discretion, its low exteriorization, its relative invisibility, the little resistance it arouses)" (Foucault [1975] 1979: 218). All of these are marks of separation. Contact or exchange between a sovereign and the subject whose fate she determines is one of the most uncommon things to occur in a kingdom.

/// Transparency and Visibility

There is another – perhaps more fundamental – reason why a meeting between the decision-maker and the person whose fate is being decided should be a prerequisite for questioning the abyssal model: to hold the leader herself responsible and accountable. For a leader to be held accountable for her (or his or their) power, it is necessary that she appear before the people over whom she has power. The leader must make herself visible to the person whose fate she is deciding; she must be seen by her and appear before her during the investigative process itself. It is not for nothing that Hewart's dictum is commonly referenced in regard to English law: justice must not only be done, but must also be seen to be done, and this includes being seen by the person whose fate is being decided (Hewart 1924). But this is not possible within a structure in which the leader is separate and sovereign and absent of personal responsibility.

With this, we have come to the matter of transparency. We have seen that in the abyssal gap between evidence and the person deciding, between reasons and the person deciding, a secret may lurk: it could be the secret reasons why the decision-maker has arrived at the decision she has; it could be the motivation that leads her to decide this or that sanction. Even the authorship of the decision can be obscured. In short, what is hidden by the structure of abyssal responsibility is grounds (reasons), justification (motivation), and accountability (authorship). The darkness of the abyss demands an inordinate amount of trust in the process. The degree to which this opaque system is open to abuse cannot be exaggerated. In my view, if the workings of the abyssal machinery were exposed, such trust would very often turn out to have been misplaced. This situation in part explains the enduring popularity – and not just the critical necessity – of artworks and dramas, from Shakespeare's histories and tragedies on, that expose the nefarious goings on right there in the structure of abyssal responsibility at the level of the sovereign. We might say that in the structure of abyssal responsibility that I have outlined, the ontological foundation of the decision as to sanction recedes into the abyss, yet paradoxically it remains present in its absence (cf. Heidegger [1957] 1991). The disappearance or withdrawal of foundation in the form of evidence and reasons does not leave us with nothing. Rather, it leaves us in the presence of an abyss, and this is what art exploits.

But what of the person subject to sanction and wishing to challenge the decision? It is within such an abyss that the person must seek to expose the workings of the system. Those in power can operate such slippages

that the recession of ground remains ongoing and always just beyond one's grasp. It is not a clean space. It is impenetrable; it can be corrupt and is often rife with machination. What is needed, as Joseph A. Raelin argues, is a flatter ontology, a space where disciplinary procedures are made transparent and visible to all, in which decisions are taken not by someone separate from the institution (vertically, through top-down imposition) but made within structures which are horizontal (collective, situated, reflective). Raelin is a leading exponent of the emerging field of leadership-as-practice [L-A-P], in which many of these questions are being taken seriously (he calls it "a kind of principled pragmatism"). Raelin goes so far as to say that a flat ontology is "post-humanistic," an ontology in which "the human being is no longer the centre of things" (Raelin 2022). What I am arguing for is that in disciplinary procedures, where human beings are necessarily implicated, the decision-making should be de-centred in the sense that the power to decide ought not to reside with a single hierarchised human being granted sovereign exception.

It may be that transparency either denudes the decision-maker of her autonomy (as Richard Sennett has contended) or produces an inhuman society of control (an argument made by Byung-Chul Han). However, neither critique is pertinent here. Sennett appears to be agreeing with John Locke that the ruled, in trusting their ruler, "grant him a measure of freedom to act without constant auditing, monitoring, and oversight. Lacking that autonomy, he could indeed never make a move" (Sennett 2003: 122). Yet I have shown that because the abyssal responsibility at issue here is structurally open to abuse of power, it requires an egregiously excessive degree of trust in the character of the leader and that "mutual understanding" is just not possible. Sovereign exception rules it out. And "lack of mutual understanding," as Sennett indeed concedes, "invites abuse of power." Han, who is in agreement with Sennett, seems to believe that transparency is equatable with surveillance: "mutual transparency can only be achieved through permanent surveillance," which can only become more and more "excessive," leading to "total control," and the "destruction" of "freedom of action" (Han 2015: 47). But how else to bring about transparency than through monitoring it in some way, and remaining vigilant over it? It is what Jacques Derrida calls "a painful paradox" (Derrida 2000: 57). The more open the space becomes, the more it needs to be surveilled or policed. The more it is surveilled, the more transparent it becomes. The democratisation of such spaces is co-extensive with the policing of them, and vice versa. Besides, in the structure of abyssal responsibility, mutual transparency is

not achievable, because freedom of action is granted to one side only, and excessively so. Han's critique rests, I think, on the presumption that the decision-maker is a singular person, whereas the kind of transparency I am arguing for is shared across a flattened structure. "Transparency and power do not get along well," says Han. Quite. What needs to go is the power of the single hierarchised decision-maker. There is no reason why the person whose fate is being decided by a disciplinary process should have to accept what they "do not understand" in the mind of such a decision-maker – a decision-maker invisible to them. The opaque equality Han and Sennett call for cannot be achieved in relations of power where there is asymmetric abyssal responsibility. Oversight (Sennett) and surveillance (Han) are less worrisome, less threatening, less open to abuse, when power is not located in a single hierarchised, invisible individual at the top of – yet separate from – a vertical structure of one-way responsibility.

The exercise of disciplinary power in democratic institutions is served neither by hierarchising the person deciding by separating her from the evidence and the tribunal's reasoning, as if she is above the people about whom she decides, nor by rendering her invisible by separating the reasons for her decision from surveillance by the people (cf. Green 2010). If leaders are to be held accountable for their decisions – including for those decisions directly impacting the careers and public reputations of the people being decided about, which is surely a primary condition for the working of a just and democratic academic institution – then the entire process needs to be made visible and transparent, and for the entire process to be made visible and transparent, the position of leader as separate and sovereign must be abolished. If the figure of the leader is to remain at all, then perhaps it can only be in the person of one whose function is to apply the law without exception, and where she is a member of a collective or a team.

By "a team" I mean a situated and interconnected group within a dehierarchised and horizontal structure, in which the decision-maker is no longer at the head of a vertical structure of decision-making, separate from evidence and justifications, and invisible to the people about whom she makes decisions. It is necessary not just to close the abyssal gap separating the leader from the process but to eliminate it entirely. To this end it is essential to incorporate the decision-maker into the process in which evidence and reasons are deliberated upon, arrived at, agreed upon, and made transparent both to the body of the university, the academic and the student body, and to individuals about whom disciplinary decisions need

to be made. Making the working of disciplinary procedures transparent and inclusive will in turn effect a disciplinary force upon those involved in the process. Democratic exposure to the gaze and inspection of the people in effect trains those procedures – not because the look or the inspection of the people is an exercise in power, but because power relations are dissolved or we might say spread more equally in greater transparency, and the mutuality of acquiring knowledge and learning from each other, both of which are surely desiderata for informed decisions, is enhanced: "the leading might come from the follower in some way, however slight or substantial might be that way" (Docherty 2011: 110). Certainly, a decision-maker who participates in learning, in a structure that is relational rather than hierarchical, in a process that *leads her* to a decision, will minimise damaging isolation. It would be a working relation that discourages hubris and retracts the space for abuse of power.

Finally, if universities are to remain sites of original research, then they must resist the burden of external morality and avoid the imposition of the subjective and absolutist moral values of separated leaders. Judgements as to the sanction of academics deemed to be culpable of misconduct must reflect the values of the university. Rather than the imposition of universal or absolutist values by moralistic and personalistic leaders onto situated contexts of action and the actions of individuals in them, what is needed is a way for decisions to be informed by values emerging from those contexts. That is to say, the values by which the actions of the individual are to be measured and sanctioned will emerge in and from the socially interactive contexts of those actions, with all their socio-material and embodied contingency (Raelin 2016).

I argue that visibility and transparency, together with de-hierarchisation and horizontality, and greater inclusivity and equality of authority, are essential conditions for the fair working of a university that would place justice as the principle of its disciplinary procedures. If we wish to keep a system in which a "leader" is the person making decisions, then that leader cannot be separate from that principle but must embody it. This is not possible in the figure of a personalist leader, a leader separated from the led. Thus, if we are serious about the requirement of justice, we must de-hierarchise the entire structure of decision-making, especially the structure of responsibility for decisions over the very fate of the persons about whom decisions must be made, and re-think not just the place and function of the leader but whether having a leader is necessary at all.

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/// Abstract

A critique of university leadership, in particular as it is manifest in disciplinary processes. The basic problem is the separation of the leader from the institution she leads. Separation is an all-too-common problem with university leadership, and gives rise to a fundamental crisis of responsibility – what I name the problem of abyssal responsibility: a non-locatable responsibility for which no-one answers fully – making it unfairly difficult for the academic sanctioned to challenge the disciplinary decision. The gap created by the separation of the person deciding from evidence and reasons can be exploited for abusing power. In abyssal responsibility, the right to punish is intimately linked to the right to grant clemency, what I call sovereign exception. I ask whether the separation internal to the structure of abyssal responsibility might allow for a creative corrective to it. And I answer no, because then the only responsible decision would to abolish the leader. Responsibility in such cases must be made transparent and visible. I propose a form of leadership which is non-personalist and de-hierarchised, one which involves co-learning and co-responsivity, and above all is not separate. In short, a leadership which is democratic.

Keywords:
universities, vice-chancellors, crisis, responsibility, sovereign exception, autocracy, abuse of power, transparency, visibility

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