

17.8.2024

Author

SACHS, Michael

Title

Grenzen der Forschungsfreiheit und Aufnahme einer Zivilklausel in die Grundordnung / Michael Sachs

Publication year

2013

Source/Footnote

In: Wissenschaftsrecht. - 46 (2013) 3, S. 201 - 211

Inventory number

35837

Keywords

Hochschule und Gesellschaft ; Wissenschaft und Militär ; Hochschule : Verfassung und Selbstverwaltung ; Freiheit von Forschung und Lehre

Abstract

As in some other universities it has recently been proposed for the University of Cologne to include a so called "civil clause" into its basic statute. The article rests on a statement the author was asked to give in front of the academic senate of the said university, which has rejected the proposal. A civil clause, even in the restrictive wording used in the Cologne proposal, would lead to factual infringements of the freedom of research of the scientists of the university. In the absence of any authorization to restrict the scientific freedom guaranteed in art. 5 sect. 3 of the Basic Law, such infringements might be justified on the ground of a colliding constitutional principle; but a principle against all activities related to military matters is not to be found in the Basic Law. At least, a formal, i.e. generally: a parliamentary law would be required as a basis for such an infringement of scientific freedom. Finally, the state university law of North-Rhine/Westphalia, applicable to Cologne, allows for additions to the basic statute of a university only in cases enumerated in the said law, leaving no

17.8.2024

room for a "civil clause". (HRK / Abstract übernommen)