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Abstract

Some disputable German statutes and by-laws provide for the power to withdraw a doctorate degree if the person the doctorate was conferred on subsequently proves to be 'unworthy' of the distinguished degree. In a prominent case a natural scientist severely breached basic standards of research ethics during his post-doc-studies. He was reprimanded, in particular, for fabricating false data and suppressing primary data, thus, evading a verification of his useless research results, which were published in highly ranked journals. Thus, the home university withdrew the doctorate because such grave misconduct was considered as a case of 'unworthiness'. The administrative courts concerned disagreed on the legality of the decision. Finally, the Federal Administrative Court confirmed the university's decision. Remarkably, the Court recognized that the concept of 'doctoral worthiness' is laden with an anachronistic attitude towards distinguished academics, an idea of academic honour derived from a special social status. Undisputedly such concepts cannot be upheld, today. Notwithstanding that, the statutory provision could be interpreted in conformity with the constitution,

as long as the unworthiness is exclusively based on grave scientific misdemeanour by which the affected person frustrates the qualified faith of the scientific community in their distinguished members. This essay discusses the far-reaching repercussions of the concept of scientific research and freedom the Court's decision is based upon. It criticises that the Court should not have saved the crooked concept of 'unworthiness' but, instead, should have quashed it as ? nowadays ? plainly indefensible. As anyone ? without any further preconditions or qualifications ? can rely on the constitutionally guaranteed freedom of science, no one can be made 'unworthy' as a participant in the scientific process by a sovereign act. (HRK / Abstract übernommen)