

**Science at Goethe University Frankfurt:
Between individual freedom and social responsibility
Q&A on the administrative norm-concretizing directive**

Scope of application: Is this a document for the institution or for the individual researcher?

The text addresses both the university as a whole and the responsibility of each individual, regardless of whether the individual is a Goethe University member or affiliate. The reason for this is that academic freedom protects all persons who are *themselves engaged in academic activities*, as well as the institution itself from encroachments on its use of freedom.

Legal quality: Why is this a norm-concretizing administrative regulation rather than a statute or guideline?

During its deliberations, the commission also consulted external experts Prof. Dr. Klaus F. Gärditz, Chair of Public Law, Bonn, and Prof. Dr. Elif Özmen, Chair of Philosophy with a focus on theoretical ethics and political philosophy, Giessen. Both expressed doubts about whether Goethe University has the authority to issue a relevant statute: Given that the university has no regulatory authority, it would be difficult to justify the need for regulation by way of a commandment and prohibition through statute law.

In addition, administrative courts would not have sufficient authorization to interfere with academic freedom and could then overturn the statutes in response to an application for norm control pursuant to Section 47 (1) No. 2 in the German Code of Administrative Court Procedure. On the other hand, an administrative regulation that only concretizes the mandate to our university in accordance with § 1 para. 2 sentence 1 Hessian Higher Education Act (i.e. to ensure that Goethe University members and affiliates can exercise the fundamental rights under Art. 5 para. 3 German Basic Law – see above) will be used by administrative courts as an interpretation guideline in a dispute, thus securing Goethe University's autonomy in fundamental questions.

Internal university reference: How does the work of the temporarily appointed Commission for the Reflection of Academic Freedom (“Jahn Commission”) relate to the Senate Working Group “University Critical of Racism and Antisemitism”, which was also set up temporarily by the Senate?

The work of the two committees differs not only in terms of timeframes, it was and is not directly affected by each other. The Senate working group, as a committee assigned to the Senate Commission on the Advancement of Women, Gender Equality and Diversity, focuses on specific issues of criticism of racism and antisemitism, while the Jahn Commission zoomed in on fundamental issues of academic freedom. However, it would be desirable for the multidisciplinary Senate working group and its sub-working groups to refer to the results of the “Jahn Commission” at the intersections of academic freedom.

Reference to other universities' papers: How does the Frankfurt paper differ from the papers issued by the universities in Hamburg and Berlin?

In accordance with the mandate from Goethe University's Executive Board, it was important to formulate principles capable of providing orientation beyond controversial individual cases and thus in the longer term. In the opinion of the Jahn Commission, the papers of University of Hamburg (“Code of Academic Freedom”, 2022) and Humboldt Universität Berlin (“Professional Ethics Guidelines”, 2024) are in part designed as manuals with concrete case studies and proposed

solutions, and therefore require continuous adaptation. That is why the Commission sought to establish a connection to Goethe University's 2014 mission statement, and on this basis develop further concretizations in the context of new potential internal and external threats to academic freedom. This does not exclude the possibility that the paper's guiding principles on the tension between academic freedom and social responsibility will be operationalized and put into possible guidelines, manuals or codes. This, however, constitutes a second step, which should take place in the relevant contexts and involve the relevant actors in order to prevent the gaze from narrowing.

Content I: Why was the entire mission statement not adapted?

The aspect of academic freedom is an overriding right enshrined in constitutional law. The present paper focused on concretizing a norm, which has a different character than a guiding principle.

Goethe University's mission statement remains relevant today, even if the social developments of the last decade have challenged central aspects of this fundamental text. It is worth considering whether a mission statement process should be initiated as part of a university-wide comprehensive process that takes into account this norm-concretizing directive once the ongoing mission statement and strategy processes in their various performance dimensions (internationalization, sustainability, digitalization, etc.) have concluded.

Content II: Why does the text not contain any comments on freedom of expression?

The competence of a university as an association solely allows for binding regulations within the framework in which the university itself is authorized to legislate. This only applies to academic freedom (cf. § 1 para. 2 sentence 1 Hessian Higher Education Act: *"The state and the universities must ensure that the members and affiliates of the universities can exercise the fundamental rights guaranteed by Art. 5 para. 3 sentence 1 of the Basic Law"*), but not to freedom of expression.

Content III: How should the self-assurance and stipulations in the text be applied in practice?

To resort to what is hopefully not too daring a comparison from another area: in roughly the same way as the Basic Law determines our daily lives. The German Basic Law (*Grundgesetz*) does not immediately resolve every dispute or conflict, but it can provide long-term, reliable guidance and constitute a first step towards a consensus-based solution.